

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

9 WRIT PETITION NO.11527 F 2023

Shri Hitendra Vinayakrao Upadhyay**Petitioner**

Versus

The State of Maharashtra

...Respondents

.....

Advocate for Petitioner : Mr. M. M. Subhedar

GP for Respondents-State : Mr. D. R. Kale

.....

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ.
& ARUN R. PEDNEKER, J.**

DATE : 15th SEPTEMBER, 2023.

P.C. :

1. Heard the learned Counsel for the petitioner and the learned AGP for the respondents.

2. In view of the proposed order, issuance of notice to respondent No.8 – the Information Commissioner, State Information Commission, is hereby dispensed with. By instituting this proceeding under Article 226 and 227 of the Constitution of India, the petitioner has prayed that the respondents be directed to furnish the information pursuant

to the application made by the petitioner under the Right to Information Act, 2005 and in compliance of the order dated 30/04/2021, passed by the State Information Commission in Second Appeal No.7725 of 2019.

3. It appears that the petitioner had made some applications under Right to Information Act seeking some information, however, since information sought was not provided, he filed first appeal where as well he did not get the necessary information, and thus he had filed the second appeal before the State Information Commission under Section 19 (3) of the Right to Information Act.

4. The State Information Commission vide order dated 30/04/2021 allowed the second appeal filed by the petitioner and directed the Public Information Officer to collect all the information required from the concerned authority and provide the same to the petitioner within a month in terms of the provisions contained in Section 7 (6) of the Act.

5. The grievance raised by the petitioner is that

despite the said order passed by the State Information Commission on 30/04/2021, the necessary information has not been provided to the petitioner, hence this petition.

6. On perusal of the order dated 30/04/2021, passed by the State Information Commission, what we find is that while directing the Public Information Officer to collect information from the concerned authority and provide it to the petitioner, the Commission has also observed that if the Public Information Officer concerned does not submit the disclosure as mentioned in the order itself, the proceedings under Section 20 will be finalized on the assumption that he has nothing to say.

7. On a query, it has been informed by the learned Counsel for the petitioner that proceeding under Section 20 of the Act which prescribes for penalty, has yet not been finalized.

8. In view of the aforesaid facts, we dispose of this writ petition with the direction to the State Information Commission to take quick steps to conclude the proceeding

under Section 20 of the Right to Information Act for not providing the requisite information to the petitioner in view of the order dated 30/04/2021.

9. It is needless to say that the proceeding under Section 20 of the Right to Information Act shall be carried on and concluded only after giving an opportunity of hearing to all concern.

(ARUN R. PEDNEKER, J.)

(CHIEF JUSTICE)

vjg/-