

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No.3135 of 2022

The Public Information Officer And Deputy Registrar, Bombay High Court, Nagpur
Bench, Nagpur

Vs

State Of Maha. Thr. State Information Commissioner, Nagpur And An

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.S. Khubalkar, Advocate for the Petitioner/s
Ms H.N. Jaipurkar, AGP for the Respondent No.1/State
Shri D.V. Chauhan, Advocate for the respondent No.2

CORAM : ANIL S. KILOR, J.

DATED : 17.07.2023

1. Heard.
2. The present matter pertains to the information sought by the respondent No.2 under the Right to Information Act, from the petitioner which was denied, relying upon the Rule 13(a) of the Bombay High Court Right to Information (Revised) Rules, 2009 (in short "the Rules of 2009").
3. The learned counsel for the petitioner is not disputing that the Rule 13(a) of the Rules of 2009 on which the reliance was placed for refusing the information, was deleted on 02.08.2019. It is however submitted that, the Rule 13(b) of the Rules of 2009 will apply to the present case and the same was not considered by the learned State Information Commissioner, Nagpur Bench.

4. In the circumstances, having considered the submission made by the learned counsel for the petitioner, I am of the opinion that the matter needs to be remanded back to the State Information Commissioner, Nagpur Bench to decide the appeal afresh, after taking into consideration Rule 13(b) of the Rules of 2009. Accordingly, I pass the following order:

- (i) The writ petition is partly **allowed**.
- (ii) The impugned order dated 02.12.2021 passed by the State Information Commissioner, Bench at Nagpur, is hereby quashed and set aside.
- (iii) The matter is remanded back to the State Information Commissioner, Bench at Nagpur to decide the same afresh, after hearing both the parties and after taking into consideration the Rule 13(b) of the Rules of 2009.
- (iv) The parties are at liberty to file counter affidavit, if they so desire.

[ANIL S. KILOR, J.]