



WEB COPY



W.A.No.707 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2023

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

and

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.A.No.707 of 2020

CMP.No.9658 of 2020

Nithyaesh Natraj

.. Appellant

vs.

1.The Central Information Commissioner,
Central Information Commission,
Baba Gangnath Marg, Munirka,
New Delhi-110 067.

2.The Central Public Information Officer,
Ministry of Finance,
Department of Economic Affairs (RTI Cell),
North Block, New Delhi-110 001.

.. Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 17.09.2019 made in W.P.No.15482 of 2019.

For Appellant : Mr.R.Venkatesh

For Respondents : Mr.Venkatasamy Babu
Standing Counsel



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JUDGMENT

(Judgment of the Court was made by ***Justice D.Krishnakumar, J.***)

The appellant is the writ petitioner and he filed the writ petition challenging the impugned rejection order passed by the respondents in providing information sought for by the petitioner under the Right to Information Act, 2005 [in short "RTI Act"] and the writ petition came to be dismissed, vide order dated 17.09.2019, against which the instant writ appeal is filed.

2. The learned counsel appearing for the appellant has submitted before this Court that the Writ Court, without considering the contention of the appellant, has dismissed the writ petition for the simply reason that the petitioner is entitled to get information under Section 8(1)(i) of the Right to Information Act, 2005, but the Writ Court has considered under Section 8(1)(h) of the said Act and dismissed the writ petition.

3. Mr.Venkatasamy Babu, learned Standing Counsel for the respondents, on written instructions, submitted before this Court that criminal investigation is pending in respect of case registered by Economic Offences Wing (SEBI) and in the light of the proviso under Section 8(1)(h) of the RTI



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Act, the appellant/writ petition is entitled to be furnished with information and further it is informed that the investigation of two criminal cases registered by CBI in Crime Nos.RCBSM2014E0001 - PEC Ltd., and RCBSM2014E005-MMTC Ltd. has already been completed and charge sheet has been filed.

4. In such view of the matter, the order of the Writ Court dated 17.09.2019 in W.P.No.15482 of 2019 is set aside and the appellant is granted liberty to approach the authorities concerned with a fresh request seeking for information under the RTI Act. We also make it clear that if there are any other cases where investigation completed and charge sheet has been filed, it is open to the appellant to approach the authorities concerned seeking for furnishing of information under the RTI Act.

5. The Writ Appeal stands partly allowed with the above liberty. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] [P.B.B., J.]
23.08.2023

Index : Yes / No
Internet : Yes / No
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D.KRISHNAKUMAR, J.,
AND



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P.B.BALAJI, J.

Jvm

To

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2.The Central Public Information Officer,
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