



W.P. No. 19669 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 19669 of 2022

and

W.M.P. Nos. 18982 of 2022 and 4315 of 2023

1. Tamil Nadu State Transport Corporation
Villupuram Limited,
Represented by its Managing Director,
No.3/137, Saalamedu,
Vazhudhuretty Post,
Villupuram – 605602.

2. Public Information Officer,
Tamil Nadu State Transport Corporation
Villupuram Limited,
Represented by its Managing Director,
No.3/137, Saalamedu,
Vazhudhuretty Post,
Villupuram – 605602.

Petitioners

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-VS-

1. Tamil Nadu State Information Commission,
No.19, Government Estate Pernpettai,
Nandanam,
Chennai – 600035.

2. T.M.Soundar Rajan
Respondents

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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for records on the file of the First Respondent in relation to the impugned order dated 17.05.2022 in Case No. NC.759/F/2021.

For Petitioners : Mr. K.Kulandaivelu

For Respondents : Mr. C.Vigneswaran,
Standing Counsel (for R1)

Ms. H.Nandhini (for R2)

ORDER

Heard Mr. K.Kulandaivelu, Learned Counsel for the Petitioners, Mr. C.Vigneswaran, Learned Standing Counsel appearing for the First Respondent and Ms. H.Nandhini, Learned Counsel appearing for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner relates to the imposition of penalty of Rs. 10,000/- on its Public Information Officer for delayed furnishing of information sought by the Second Respondent in the exercise of powers



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under Section 20(1) of the Right to Information Act, 2005 (hereinafter referred to as 'the RTI Act' for short) in the order dated 17.05.2022 in Case No. NC759/F/2021 (SA5721/F/2020) passed by the First Respondent, which is impugned in this Writ Petition. It is accepted that the requisite information has been furnished to the Second Respondent, who does not have any qualms on that aspect of the matter today.

3. It has been demonstrated by Learned Counsel for the Petitioner from the impugned order that the application seeking information under Section 6(1) of the RTI Act was made on 31.01.2020 before the Public Information Officer of the Petitioner and first appeal under Section 19(1) of the RTI Act was preferred before the Appellate Authority of the Petitioner on 04.03.2020, which was disposed on 30.04.2020, as against which second appeal under Section 19(3) of the RTI Act was preferred before the First Respondent on 15.07.2020 and has been disposed on 30.12.2020, requiring compliance of the directions by 08.02.2021, which were during the COVID pandemic. The Hon'ble Supreme Court of India in the decision in ***Cognizance for Extension of Limitation, In Re*** [(2022) 3 SCC 117] had taken *suo motu* cognizance of the difficulties that may be faced by the litigants in filing petitions/applications/suits/appeals/all other quasi proceedings within the period of limitation prescribed under the



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general law of limitation or under any special laws (both Central and/or State)

due to COVID pandemic and directed that the period from 15.03.2020 to 28.02.2022 shall stand excluded for the purposes of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings.

4. Having regard to the factual matrix *viz-a-viz* the time-line involved in the proceedings seeking information under the RTI Act, the Petitioner would be entitled to the said benefit of exclusion of limitation under the special law, viz., the RTI Act. Consequently, the impugned order insofar as it relates to imposition of penalty of Rs. 10,000/- on the Public Information Officer of the Petitioner for delayed furnishing of information during the COVID pandemic, which cannot be sustained, is set aside.

In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petitions are closed. No costs.

15.12.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 22.05.2024.



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To

1. Tamil Nadu State Information Commission,
No.19, Government Estate Pernpettai,
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P.D. AUDIKESAVALU, J.

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