

AD-14
Ct No.09
22.01.2024
TN

WPA No. 9250 of 2023

Anirban Tewari
Vs.
The Chief Information Commissioner, State of West
Bengal and others

Mr. Shuvonil Chakraborty,
Ms. Chandana Ghosh,
Ms. Dona Saha

.... for the petitioner

Mr. Raja Saha,
Mr. Sanjay Mukherjee

.... for the respondent no.1

- 1.** Affidavit-of-service filed today be kept on record.
- 2.** The petitioner's grievance is that a second appeal filed under the Right to Information Act, 2005 by the petitioner has been kept pending for a long time.
- 3.** Learned counsel appearing for the respondent no.1 points out that the petitioner, instead of preferring a second appeal under Section 19(3) of the Act, ticked the box in the accompanying form of his challenge which enumerated the challenge of the petitioner to be a complaint under Section 18(1). As such, it has been registered as a complaint, the scope of which is different from appeal.

4. There is substance in the contention of the respondent-authorities.
5. However, since in effect the petitioner seeks to prefer a second appeal against the decision of the first appellate authority under the said Act, leave is granted to the petitioner to file a second appeal upon withdrawal of the complaint annexed at page-53 of the writ petition.
6. In the event such second appeal is filed in appropriate format within January 31, 2024, the second appellate authority shall treat the same to be an appeal within time (in view of the pendency of the writ petition) and decide the same in accordance with law as expeditiously as possible, preferably within three months thereafter.
7. Accordingly, WPA No. 9250 of 2023 is disposed of.
8. There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)