

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 18676 OF 2024.

Abhijit Dhondiram Anap

...Petitioner.

Versus

The State Information Commissioner, Kokan Bench
and Another.

...Respondents.

Mr. Bhushan Raut for Petitioner.

Coram : Sharmila U. Deshmukh, J.

Date : December 20, 2024.

P. C. :

1. Heard.
2. By this petition, the challenge is to the order imposing the penalty on petitioner without complying with the first proviso to Section 20(1) of the Right to Information Act, 2005.
3. Learned counsel appearing for Petitioner submits that the information was sought from the predecessor of petitioner and after the petitioner assumed office, the partial information was provided. He submits that there is non-compliance of Section 20(1) as no opportunity of hearing was given before the penalty was imposed.
4. From the record, it does not appear that before the penalty was imposed on Respondent No.2, any opportunity of hearing was given and thus, there is *prima facie* violation of the first proviso to Section

20(1) of the Right to Information Act, 2005. As such the order of imposition of penalty is stayed till the next date.

5. Issue notice to Respondents returnable on 24th January, 2025.

[Sharmila U. Deshmukh, J.]