



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

WRIT PETITION NO.1156 OF 2020

Shri Manohar Punjaram Choudhary and others .Vs. State Information
Commissioner, Bench at Amravati, Amravati and others

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

Court's or Judge's Order

Shri A.P. Kalmegh, Advocate for petitioners.
Shri S.B. Bissa, A.G.P. for respondents/State.

CORAM : ANIL S. KILOR, J.

DATED : 28/02/2024

1. This writ petition takes exception to the order dated 20.06.2019 passed by the State Information Commission, Amravati on second appeal preferred by one Sahebrao Sakharamji Sarode and thereby, imposing penalty of Rs.5,000/- on each of the petitioners.

2. The only ground for raising a challenge to the imposition of penalty is that, without issuing show cause notice and calling explanation as regards imposition of cost on the petitioners, the cost was imposed.

3. In the matter at hand, the appellant Sahebrao Sakharamji Sarode is not made party. However, considering the admitted fact that, no show cause notice was issued to the petitioners before imposing costs of Rs.5,000/-, I am of the opinion that, setting aside of Clause-3 imposing the

penalty would not adversely affect the interest of Sahebrao Sakharamji Sarode as this Court is maintaining the other clauses of the impugned order except Clause-3 imposing penalty.

4. In the circumstances, I pass the following order:

- i) The writ petition is **allowed**.
- ii) The impugned order dated 20.06.2019 passed by the State Information Commissioner, Amravati in Second Appeal No.859 of 2016 is hereby quashed to the extent imposing penalty of Rs.5,000/- on each of the petitioners.

Writ Petition is **disposed of** accordingly. No order as to costs.

JUDGE