



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.1961 OF 2018

Prafulla S/o Rangrao Deshmukh, Amravati and ors.

-vs-

State of Maharashtra, Thr. Secretary, Dept. of Revenue, Mantralaya, Mumbai and ors.

WITH

WRIT PETITION NO.2285 OF 2018

Miss Sangita d/o Narendra Mandane, Amravati

-vs-

State of Maharashtra, Thr. Secretary, Dept. of Revenue, Mantralaya, Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Shri J. C. Shukla, Advocate for petitioners.

Shri A. M. Kadukar, Assistant Government Pleader for respondent Nos.1 and 2.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : August 29, 2024

1. The State Information Commissioner, Amravati has recorded a finding in his order dated 19/12/2017 that the conduct of the petitioners is in violation of Section 7(1) of the Right to Information Act, 2005 and pursuant to sub-section (1) of Section 20 imposed fine of Rs.10,000/- to be payable by each of the petitioners independently.
2. It appears from the said order that a communication dated 24/03/2015 was issued to the information seeker to deposit the amount for providing the information.
3. It is the case of the person seeking information that such communication was not received by him.
4. Once such communication is posted by the first appellate Authority, it is not within its control to ensure that such communication is served on the information seeker.

5. In that view of the matter, the State Information Commissioner, Amravati has committed an error in recording a finding that the petitioners have denied the information to the information seeker within the reasonable time.

6. That being so, the impugned order dated 19/12/2017 passed by the State Information Commissioner, Amravati is hereby quashed and set aside.

7. Both the petitions are allowed in above terms. No costs.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)