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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 4293/2024 & CM APPL. 17613/2024**

ANAND MISHRA

..... Petitioner

Through: Mr. V.K. Mishra, Ms. Richa Bais and
Ms. Dipti Mishra, Advs.

Versus

UNION OF INDIA

..... Respondent

Through: Mr. Ravi Prakash, CGSC with Mr.
Abhishek Singh, GP, Mr. Ayushman,
Mr. Yasharth, Ms. Taha, Mr. Astu,
Mr. Alok, Advs.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

21.03.2024

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1. Present public interest petition has been filed seeking issuance of a direction to the Union of India to set up an independent investigation through any central investigation agency such as CBI to investigate into the irregularities in functioning of the canteen established in 2019 in the building occupied by the Central Information Commission at CIC Bhawan.
2. Learned counsel for the petitioner states that irregularities exist in the functioning of the said canteen including absence of amenities such as seating, air-conditioning system, a well-developed service counter, refrigerators etc., irregular appointments of regular staff, consultants, legal consultant and outsourced staff. He states that the Petitioner has not received any response to the representations dated 15th February, 2024 and 24th



January, 2024 addressed to the Home Secretary, Union of India and the Chief Information Commissioner, Central Information Commission respectively with regard to irregularities in functioning of the said canteen.

3. It is settled law that CBI inquiry or investigation by any Central Agency has to be ordered in rare and compelling cases only. The Supreme Court in *State of West Bengal & Ors. v. Committee for Protection of Democratic Rights, West Bengal (2010) 3 SCC 571* has held as under:-

“70. Before parting with the case, we deem it necessary to emphasise that despite wide powers conferred by Articles 32 and 226 of the Constitution, while passing any order, the Courts must bear in mind certain self-imposed limitations on the exercise of these constitutional powers. The very plenitude of the power under the said articles requires great caution in its exercise. Insofar as the question of issuing a direction to CBI to conduct investigation in a case is concerned, although no inflexible guidelines can be laid down to decide whether or not such power should be exercised but time and again it has been reiterated that such an order is not to be passed as a matter of routine or merely because a party has levelled some allegations against the local police. This extraordinary power must be exercised sparingly, cautiously and in exceptional situations where it becomes necessary to provide credibility and instil confidence in investigations or where the incident may have national and international ramifications or where such an order may be necessary for doing complete justice and enforcing the fundamental rights. Otherwise CBI would be flooded with a large number of cases and with limited resources, may find it difficult to properly investigate even serious cases and in the process lose its credibility and purpose with unsatisfactory investigations.”

4. The present petition is bereft of any data to substantiate commission of any criminal offence. Consequently, no investigation by the CBI is required in the present case.

5. Further, even if the averments in the writ petition with regard to dilapidated condition of the canteen are taken on their face value, this Court is of the view that repair and renovation of the CIC Canteen may be warranted, but not a CBI investigation.



6. The present writ petition is also bad on the ground of mis-joinder of the parties, inasmuch, as, CIC has not been made a party to the present public interest petition. It seems to this Court that the present writ petition is a motivated one as the petitioner in ground C of the petition has averred that the CIC has wilfully turned down the RTI applications filed by the petitioner in the garb of Sections 2(f) and 8 of the RTI Act, 2005.

7. For the aforesaid reasons, the present petition is dismissed.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MARCH 21, 2024

N.Khanna