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

+ **W.P.(C) 5507/2024**

SAMIR SARDANA

..... Petitioner

Through: None

versus

UNION OF INDIA

..... Respondent

Through: Mr. Anurag Ahluwalia, CGSC for
UoI with Mr. Tarveen Singh Nanda,
GP for UoI
Mr. Ripu Daman Bhardwaj, CGSC
with Mr. Abhinav Bhardwaj, Mr.
Manaswini, Advs.
Ms. Rachita Garg, Mr. Apoorv
Rastogi, Ms. Harshita, Mr. Agam
Rajput, Advs. for DP

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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22.04.2024

CM APPL. 22638/2024 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 5507/2024

1. None for the Petitioner even on the second round.
2. On merits as well this Court is not inclined to interfere with the Order passed by the Central Information Commission which reads as under:

“Keeping in view the facts of the case and the submissions made by both the parties, the Commission directs the CPIO if the information sought by the



Appellant is not available on said points then he should furnish an affidavit to the Commission, explaining the factual position regarding the non-availability of the information with their record retention policy, strictly in accordance with the spirit of transparency and accountability as enshrined in the RTI Act, 2005 within a period of 21 days from the date of receipt of this order under the intimation to the Commission. A copy of the affidavit shall also be provided to the Appellant. In the case of the CPIO filing a wrong affidavit the Appellant will have the remedy to approach the court of law under the offence of perjury and contempt of the Commission.

The Appeal stands disposed accordingly.”

3. The remedy of the Petitioner is only to approach the CIC for implementation of its order and not to approach this Court.
4. Accordingly, the Writ Petition is dismissed both on merits as well as for non-prosecution. Pending application(s), if any, also stand dismissed.

SUBRAMONIUM PRASAD, J

APRIL 22, 2024

Rahul