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

+ **W.P.(C) 7828/2021**

**RAJPUTANA SHAKTI INTERNATIONAL LLP THROUGH
AUTHORIZED REPRESENTATIVE MAHENDRA KUMAR
SINGH**Petitioner

Through: Mr. Ganesh Khanna, Mr. Nikhil
Ramdev, Mr. Samar Pratap Singh and
Mr. Karan Singh, Advocates.

versus

**CENTRAL PUBLIC INFORMATION OFFICER AS
REPRESENTATIVE OF CIC & ORS.**Respondents

Through: Mr. Arun Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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15.07.2024

1. Respondent No. 2 filed an RTI application with Respondent No. 3, CPIO, Senior Divisional Engineer-I Northeastern Railway, dated 3rd May, 2019 seeking the following information:

1) *“According to Section-2 (j) (1) of the Right to Information Act 2005, every citizen has the right to inspect any government work. Under this, I am on R.C.C. Road in Northern Railway Colony located at Bhatni Junction of North Eastern Railway. Please let me know the date, time, location when I can come and check this work.*

2) *I would also like to inspect the following documents related to this work at the time of inspection, so please provide the documents to me at the time of inspection.*

(a) Measurement Book



(b) *Expenditure details, sketches and others.*

3) According to section 2 (j) (3), every citizen has the right to take a certified sample of the material used in government work. Under this, I want to take a certified sample of the material used in the appropriate work by the department. The sample should be collected by the department in my presence from the place fixed by me and sealed and it should be certified by the department that the sealed sample is the original sample of the material of the work. Please inform me the location, time, date when I can come for inspection.”

2. The matter escalated to the Central Information Commission,¹ in a second appeal, under Section 19 of the Right to Information Act, 2005, which has been decided through order dated 16th June, 2021,² in CIC/NERLG/A/2019/ 140954 titled **Sumant Kumar dixit v. CPIO, Sr. Divisional Engineer, North Eastern Railway**. The operative portion of the decision is as follows:

“Upon perusal of the facts on record as well as on the basis of the proceedings during the hearing, the Commission observes that the internal management in the Respondent public authority's office is deplorable. The representative of the Respondent is not even in a position to answer the queries posed by the Commission during the hearing. The Commission is extremely irked by the conduct of the Respondent and the same is being viewed adversely. The Commission cautions the Respondent to be careful in future and that they shall ensure that all the communications/correspondences made under the guise of RTI Act should be typically maintained as per the prevailing guidelines of the DoPT as well as in accordance with the extant provisions of the RTI Act and RTI Rules. Be it as it may, since the Appellant has expressed his willingness for inspection as sought in the instant RTI Application, the Commission accordingly directs the present CPIO to facilitate inspection as sought in the instant RTI Application on a mutually decided date and time duly intimated to the Appellant. Copy of documents, if desired, shall be provided to the Appellant free of cost upto 25 pages and for copies beyond this limit, prescribed fees shall be charged as per Rule 4 of the RTI Rules, 2012. With the above observations, the Instant Second Appeal is disposed of.

Copy of the decision be provided free of cost to the parties.

¹ “CIC”

² “Impugned order”



The Appeal, hereby, stands disposed of”

3. While commenting upon the conduct of Respondent No. 3, a direction was also issued allowing Respondent No.2 to inspect the road constructed by the Petitioner, on a mutually convenient time and date. This inspection was granted in terms of the request made in the RTI application dated 3rd May, 2019, of RCC Road in North Railway Colony located at Bhatni Junction of North Eastern Railway to check the progress of the work.

4. In this background, the Rajputana Shakti International LLP, the Petitioner, has invoked the jurisdiction of this Court to assail the aforementioned Impugned order.

5. The Petitioner contends that they are engaged in the business of construction and development and were awarded the contract of construction of the RCC Road in Bhatni Junction, of which the inspection has been directed through the Impugned order. They submit that the construction of road was completed by the Petitioner on 28th September, 2018 and the same was done in accordance with terms of the contract. It is further contended that Respondent No. 2 is an RTI activist and on account of him having secured this order of inspection, the Railway (Respondent No.4) is not processing their bills. In these circumstances, the Petitioner seeks quashing of the Impugned order. They also place reliance on the judgment dated 29th September, 2015 in ***The Public Information Officer, Govt. of NCT of Delhi v. Saurabh Sharma and Ors.***,³ to submit that the definition of ‘right to information’ under section 2(j) of the Right to Information Act, 2005 would

³ W.P.(C) 4675/2012.



not include a right to physical verification of immovable properties.

6. In the opinion of the Court, the petition is entirely misconceived. The Petitioner was not a party to the RTI proceedings which culminated in the Impugned order. In case such an inspection, directed through the Impugned order, is beyond the purview of the Act, it is for the Railways (Respondent No.4) to approach the Court. The Petitioner who is only a contractor, has an independent right and remedy in case their bills are not paid by the Railways (Respondent No.4). The Court finds the Petitioner has no locus to challenge the Impugned order under Article 226 of the constitution.

7. Accordingly, the present petition is dismissed.

SANJEEV NARULA, J

JULY 15, 2024

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