



\$~16

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

+ **W.P.(C) 8353/2024**

BACHAN SINGH

..... Petitioner

Through: Mr. Vinay Rathi, Advocate
(DHCLSC) with Mr. Sameer,
Advocate.

versus

GOVT OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Rishikesh Kumar, ASC with Ms.
Sheenu Priya, Mr. Atik Gill, Mr.
Sudhir Kumar Shukla, Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

%

31.05.2024

CM APPL. 34171/2024 & CM APPL. 34172/2024 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 8353/2024

1. The Petitioner has approached this Court seeking for a Writ of Mandamus directing the Respondents to provide complete and correct information in respect of his RTI application dated 16.02.2023.
2. The Right to Information Act, 2005 gives a hierarchy of authorities for the purpose of grant of information when an application under the RTI Act is filed. The application is filed before the concerned CPIO. If the concerned CPIO is unable to provide the information within the stipulated time or provides incorrect/false information then the applicant can file first appeal before the first Appellate Authority and in case the first Appellate



Authority is also not able to provide the information then the Applicant can approach the Second Appellate Authority, i.e. the State Information Commissioner or the Central Information Commissioner (CIC), as the case may be and the Second Appellate Authority, under Section 19 & 20 of the RTI Act, has the power to compensate in case of undue delay in supplying the information and imposition of penalty on the CPIO if it is found that they have, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished.

3. In view of the fact that an alternate efficacious remedy is available to the Petitioner, this Court is not inclined to exercise its jurisdiction under Article 226 of the Constitution of India.

4. The Writ Petition is dismissed, along with the pending applications, if any.

SUBRAMONIUM PRASAD, J

MAY 31, 2024

Rahul