



2024:DHC:5425-DB



\$~48

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

+ **LPA 638/2024 & C.M.No.40574/2024**

SH SUNNY SACHDEVA

.....Appellant

Through: Appellant in person.

versus

ACP NORTH RTI CELL AND ANR

.....Respondents

Through: Ms.Hetu Arora Sethi, ASC, GNCTD
(Through VC)

%

Date of Decision: 22nd July, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

1. Present appeal has been filed challenging the impugned orders dated 12th March, 2024 and 29th May, 2024 passed by the learned Single Judge in W.P. (C) No.10436/2022 whereby the Appellant's writ petition and review petition seeking imposition of penalty on the concerned officials under Section 20 of the Right to Information Act, 2005 ("RTI Act") for furnishing incorrect replies to his RTI applications were dismissed on the grounds that: (i) true and correct information sought by the Appellant had already been provided to him during the pendency of the writ petition; and (ii) appropriate action has been taken inasmuch as departmental action has been initiated against three erring officials under the applicable service rules.

2. The Appellant, who appears in person, states that the Respondents not only provided wrong and incorrect information, but also caused inordinate



delay of three years in providing correct information/reply. He further states that the alleged inadvertent error of changing diary number and giving wrong information was traced by the Respondents only after indulgence of this Court, prior to which, the Respondents adamantly stated that correct information had already been provided.

3. He states that the learned Single Judge has erroneously observed that the amended replies to the queries have been accepted by the Appellant/Petitioner as true and correct and to his satisfaction. He further states that despite filing the review petition, the learned Single has dismissed the same on the ground that what the Court had recorded was what had transpired during the hearing on 12th March, 2024.

4. It is pertinent to mention that the Appellant's previous appeal being LPA 308/2024 challenging the very same impugned order dated 12th March, 2024 was dismissed vide order dated 16th April, 2024 after giving liberty to file an appropriate application before the learned Single Judge. It was further observed that *"as the respondents have already initiated departmental action against the erring officials, it is not open to the appellant at this stage to urge that the respondents have failed to take any action against the erring officials and/or no action has been taken till date. The appellant shall have to wait for the departmental proceedings to conclude before raising such a grievance."*

5. The Appellant's contention that the amended replies to the queries had not been accepted 'to his satisfaction' has been dealt with by the learned Single Judge in the impugned order dated 29th May, 2024 as the learned Single Judge has given a finding that what transpired during the hearing had been recorded. Since High Courts are Court of Record, we are bound by



what the learned Single Judge has recorded as to what transpired in Court on 12th March, 2024.

6. In the opinion of this Court, the formation of opinion under Section 20(2) of the RTI Act is in the exercise of supervisory powers of CIC and not in the exercise of the adjudicatory powers. This Court is also of the view that the information seeker has no *locus standi* in penalty proceedings under Section 20 of the RTI Act. This Court is further of the view that the law laid down in *Anand Bhushan vs. R.A. Haritash, LPA No. 777/2010, decided on 29th March, 2012* is applicable to proceedings under both Section 20(1) and Section 20(2) of the RTI Act. Consequently, this Court is of the opinion that the CIC was well entitled in its discretion not to direct imposition of monetary penalty under Section 20(1) of the RTI Act, especially, when the information sought by the Appellant had been directed to be provided to him.

7. Keeping in view the aforesaid, present appeal along with the application is dismissed. No order as to costs.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

JULY 22, 2024
KA