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

+ **W.P.(C) 11148/2024**

SHRI SANDEEP MITTAL

.....Petitioner

Through: Mr. K. K. Bharti, Mr. Anshuman
Goswami and Mr. Purusottam
Mishra, Advocates.

versus

UNION OF INDIA

.....Respondent

Through: Mr. Vivek Sharma, SPC with Mr.
Rishav Dubey, GP for UOI.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

12.08.2024

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1. Petitioner filed an application under the Right to Information Act, 2005¹, on 31st January, 2023 with the Public Information Officer, Registrar of Companies, NCT of Delhi and Haryana, seeking certain information and documents regarding a complaint filed by the Director, Registrar of Companies, under Section 629A of the Companies Act, 1956 against 'Delhi Cold Storage Private Limited' and its directors, including the Petitioner. The said complaint, registered as complaint case No. 291971/2016, was pending adjudication before the Court of ACMM, Tis Hazari Courts.

2. In response to the said application, through letter dated 2nd March, 2023, the Central Public Information Officer (CPIO) stated that the complaint case was *sub-judice*/under consideration before the ACMM, Tis Hazari, and disclosing such information will impede the said proceedings.

¹ "RTI Act"



Thus, the PIO, placing reliance on Section 8(1)(h) of the RTI Act, refused to provide the information sought by the Petitioner. The Petitioner filed an appeal against this decision, however, the Appellate Authority/ Registrar of Companies, NCT of Delhi, upheld the decision of CPIO through order dated 28th March, 2023.

3. Petitioner did not file any further appeal against this order of the Appellate Authority, and instead, filed an application under Section 18 of the RTI Act before Central Information Commissioner (CIC). The CIC, having considered the factual circumstances, has declined to accept the complaint. By way of impugned order dated 6th March, 2024², it was held that since the CPIO did not intentionally deny the sought information, the Petitioner could not have taken recourse to Sections 18 and 20 of the RTI Act.

4. The present writ petition assails this Impugned Order passed by the CIC. Counsel for Petitioner submits that the requested information was not exempted under Section 8(1)(h) of the RTI Act, and therefore the decisions of the First Appellate Authority as well the CPIO are against the spirit of law and contrary to the provisions of the RTI Act. He argues that Petitioner could not have been denied the information pertaining to the complaint case No. 291971/2016. He further places reliance on the decision of the Supreme Court in judgment dated 12th December, 2011 in **Chief Information Commissioner & Another v. State of Manipur & Another**.³

5. In the opinion of the Court, there is no infirmity in the Impugned Order. As rightly observed by the CIC, Petitioner had the option of assailing

² “Impugned Order”

³ AIR 2012 SC 864



the decision of the First Appellate Authority through a second appeal before the CIC. Instead, the Petitioner filed a complaint under Section 18 of the RTI Act, which contemplates a completely different scope of inquiry and does not permit adjudication as to the adequacy of the information that has been provided. Since, there is no apparent intentional denial of the information by the Respondents and their decisions were based on their understanding of the provisions of RTI Act, the Court cannot conclude that there is deliberate refusal in providing information so as to warrant action under Sections 18 and 20 of the RTI Act.

6. In view of the above, the Court finds no merit in the present petition, and the same is dismissed.

SANJEEV NARULA, J

AUGUST 12, 2024
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