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

+ **W.P.(C) 7238/2016 & CM APPL. 29765/2016**

**DEPARTMENT OF HEALTH & FAMILY WELFARE, GNCTD**

.....Petitioner

Through: Mr. Anuj Aggarwal, ASC with Mr.  
Siddhant Dutt, Advocate.

versus

**DR. AVINASH KUMAR**

.....Respondent

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

**11.09.2024**

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1. The Respondent, Dr. Avinash Kumar, filed an application dated 30<sup>th</sup> April, 2015 under the Right to Information (RTI) Act, 2005<sup>1</sup>, with the Petitioner/ Department of Health and Family Welfare, GNCTD, seeking information pertaining to the NHRC Case No. 8474/30/9/2014 in relation to the committees constituted to conduct inquiry into allegations of corruption against officials of the Aruna Asaf Ali Government Hospital.

2. At that stage, the Petitioner denied the information, contending that the inquiry was still underway and inquiry report can only be finalised after the Department chooses to investigate the allegations against the officers. Unsatisfied with this response, the Respondent escalated the matter, which eventually travelled up in appeal before the Central Information Commission (CIC). In such circumstances, the following decision was passed through the impugned order dated 21<sup>st</sup> January, 2016:

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<sup>1</sup> "the Act"



**“Decision :**

4. *Having heard the submission and after perusal of records, the Commission directs the respondent authority to provide information from point No. 1 to 4, of RTI application dated 30.04.2015 and furnish certified copy of inquiry report received on 27.02.2015 to the appellant, within 20 days from the date of receipt of this order. The Commission directs CPIO to show cause why penalty should not be imposed against him for giving misleading information and denying the information to the appellant, within 21 days from the date of receipt of this this order.*
5. *Commission disposes the appeal accordingly.”*

3. The Petitioner’s primary objection to disclosing the requested information is based on Section 8(1)(h) of the RTI Act, which exempts disclosure of information that would impede the process of investigation or apprehension or prosecution of offenders. However, it is a settled principle that the mere pendency of an inquiry or investigation does not automatically justify withholding information under this provision. The authority invoking this exemption must demonstrate a reasonable likelihood that such disclosure would ‘impede’ the ongoing proceedings. In the present case, the Petitioner has not provided any specific or cogent reasons to establish how the disclosure of the information sought would have adversely affected the inquiry. Furthermore, during the hearing, Counsel for the Petitioner conceded that the inquiry in question has since concluded. In light of this development, the basis for invoking Section 8(1)(h) is no longer applicable, as there is no ongoing investigation or inquiry that could be impeded by the release of information.

4. In view of the foregoing, without delving further into whether the Petitioner initially failed to meet the evidentiary burden under Section 8(1)(h), the Court finds that, since the inquiry has concluded, the Petitioner’s reliance on this exemption is unsustainable. Accordingly, there is no justifiable reason to deny the Respondent the information requested in the



RTI application.

5. In view of the above, the present petition is dismissed, along with pending application.

**SEPTEMBER 11, 2024**  
*d.negi*

**SANJEEV NARULA, J**