

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8369 of 2016

Krishna Kumar Singh Son of Sri Tapeswar Singh Resident of village-
Maizini P.O. and P.S.- Chautham, District- Khagaria Bihar. At Present Posted
as Circle Officer, Kusheshwar Ashtan, Dist- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The State Information Commission, Bihar, Patna through the Secretary, State Information Commission,
3. The Chief Information Commissioner, State Information Commission, Bihar, Patna.
4. The District Magistrate, Saharsa
5. The Block Development Officer, Sonbarsa District- Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Sinha, Advocate
For the Respondent/s	:	Mr. Anjani Kumar, Aag-6
For SIC	:	Mrs. Binita Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

5 30-07-2025 Heard learned counsel for the petitioner, learned counsel for the State Information Commission and learned counsel for the Respondent-State.

2. The present writ application has been filed for quashing the order dated 28.04.2014 (Annexure-6) whereby the petitioner has been directed to pay Rs. 25,000/- as penalty under Section 20(1) of the Right to Information Act and further for quashing the order dated 23.02.2015 (Annexure-9) passed by the State Information Commission by which the State Information Commission has refused to review the order dated 28.04.2014 on the ground that it does not have the power to do so.

3. From the arguments advanced on behalf of both the



parties, the admitted position which has emerged in the case is that prior to passing the order dated 28.04.2014 (Annexure-6) by which the penalty of Rs. 25,000/- was imposed by the State Information Commission, the petitioner had already provided/supplied the required information to the applicant on 21.04.2014. It is also an admitted position that this aspect of the matter was never brought to the knowledge of the State Information Commission on or prior to 28.04.2014.

4. Considering the fact that petitioner had already provided/supplied the required information to the applicant on 21.04.2014, which is not in dispute, this Court on 10.07.2025 had posed the question to the learned counsel appearing for the State Information Commission as to “whether the State Information Commission would be willing to consider either waiving or reducing the fine imposed on the petitioner, if the matter is remanded back?”

5. Learned counsel appearing for State Election Commission submits that she is not in a position to give any concession or assurance and prays that appropriate order may be passed remanding the matter back to the State Information Commission for reconsideration.

6. In light of the aforesaid facts and circumstances and



particularly taking into account that the petitioner had already provided/supplied the required information to the applicant on 21.04.2014, the impugned orders dated 28.04.2014 (Annexure-6) and the subsequent order dated 23.02.2015 (Annexure-9) are quashed/set aside and the matter is remanded back to State Information Commission only to consider a very limited aspect of the matter as to whether it would be appropriate to waive or reduce the fine imposed on petitioner in light of the peculiar facts of the case whereby it has come to light that the petitioner had already supplied the required information to the applicant i.e., on 21.04.2014. It is expected that the State Information Commission will consider the conduct of the petitioner of having supplied the required information to the applicant on 21.04.2014 and accordingly pass appropriate order either completely waiving or reducing the fine so imposed.

7. With the aforesaid observation and direction, the present writ application shall stand disposed of. All pending Interlocutory Applications, if any shall stand disposed.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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