

M/L 61
12.02.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 9766 of 2024

Raj Kumar Das
Vs.
The State of West Bengal & Ors.

Mr. Anindya Lahiri
Ms. Pranati Das

...for the Petitioner.

Mr. Sudhhadev Adak

...for the State.

Mr. Raja Saha
Mr. Sanjay Mukherjee
Ms. Bahnidipa Roy

...for the respondent no.5.

Mr. Sk. Aptabuddin

...for the respondent no.6.

1. Affidavit of service filed in Court today is taken on record.
2. The order of the State Chief Information Commissioner dated 17th January, 2024 is impugned in the instant writ petition.
3. The petitioner intends of obtain certain information with regard to grant of license of a Fair Price Shop. Application was made under the Right to Information Act, but the petitioner was not provided the information sought for.
4. The SPIO, the First Appellate Authority and the Commission being the Second Appellate Authority all have observed that the information sought for by the petitioner are personal information and exempted under Section 8(1) (j) of the RTI Act. The provisions of Section 44(3) of the Digital Personal Data Protection Act, 2023 has also been relied upon for not supplying the information, as sought for.
5. On a perusal of the application made by the petitioner seeking information, it appears that the same has not been worded properly. The petitioner did not pinpoint the documents which he requires. It is only an omnibus request for supplying documents and records supplied or deposited by another

applicant for grant of Fair Price Shop license in terms of the notification dated 12th February, 2019.

6. As regards the said request, leave is granted to the petitioner to make fresh application giving proper details of the information that he seeks.
7. A further request of the petitioner was for providing the inspections/verification of sites/Enquiry reports held in Pakuria and Ghurni on 25th September, 2020 and 28th September, 2020 respectively.
8. The said enquiry reports have not been provided on the ground that the enquiry reports cannot be disclosed to the party as per provision of the Right to Information Act, 2005.
9. As the petitioner is also an aspirant for obtaining the license, the enquiry reports may be required by him to proceed with his case. The enquiry reports of the two places ought to be supplied to the petitioners. The same is primarily for maintaining transparency and fairness in the entire selection process for grant of license of Fair Price Shop.
10. In view of the above, the instant writ petition is disposed of by directing the respondent no. 3 being the District Controller (Food and Supplies), Berhampore to forward the enquiry reports of Pakuria and Ghurni held on 25th September, 2020 and 28th September, 2020 respectively.
11. For other information, it will be open for the petitioner to apply before the competent authority pinpointing the documents and the information sought for.
12. The writ petition stands disposed of.
13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all the requisite formalities.

(Amrita Sinha, J.)