

08.04.2025  
Item No.60  
Court No.551  
Avijit Mitra

**WPA 28542 of 2024**  
**Kalidas Pal**  
**- Versus -**  
**State of West Bengal & ors.**

Mr. Sudip Sarkar,  
Mr. Anindya Sundar Das,  
Ms. Suva Gayen,  
Ms. Paramita Mondal  
...for the petitioner

Ms. Sabnam De Bardhan,  
Ms. Kakali Naskar  
...for the State respondents

Mr. Jayanta Samanta  
...for the State Information Commission

Affidavit-of-service filed today be kept with the record.

Leave is granted to the petitioner to correct the description of the respondent no.3 by inserting the expression 'Commissioner' instead of the expression 'Registrar'.

The writ petitioner is aggrieved by the order dated October 22, 2024 passed by the West Bengal Information Commission (hereafter "the said Commission") in an appeal carried to the said Commission by the petitioner under the relevant provisions of the Right to Information Act, 2005 (hereafter the said Act of 2005).

The petitioner had sought for certain information from the State Public Information Officer, Rampurhat-I Panchayat Samiti (hereafter "SPIO". The SPIO supplied certain information by way of its response dated November 26, 2021 but the petitioner remained dissatisfied. The

petitioner therefore preferred an appeal under Section 19(1) of the said Act of 2005 before the appellate authority. The appellate authority by its order dated January 11, 2022, disposed of the appeal by holding that in so far as information sought by the petitioner by query number 1 is concerned, the information could be provided to the petitioner as would be available in the official records. Insofar as the other four information that were sought are concerned, the appellate authority agreed with the decision of the SPIO. The petitioner felt aggrieved thereby and assailing the said order of the appellate authority the petitioner approached the said Commission by filing an appeal. The said Commission has disposed of the said appeal by the order dated October 22, 2024, which has been impugned in the instant writ petition.

The order dated October 22, 2024 passed by the Commission reveals that the same has been passed in absence of the petitioner. The penultimate paragraph of the order (i.e. paragraph 10) evinces that the petitioner had visited the Commission but he was a late attendee. The said order dated October 22, 2024 appears to have been signed by the Commissioner on October 23, 2024. This establishes that the petitioner had indeed presented himself before the Commission before the order impugned was finalized and signed.

It is not clear from the order impugned as to when exactly did the petitioner reach the Commission. The

petitioner has however contended that he reached at 11.10 a.m. on the date of hearing itself.

Be that as it may, without going into the dispute as regards the date and time of the petitioner's appearance before the Commission, this Court is of the view that since proceedings under the Right to Information Act, 2005 are essentially non-adversarial in nature therefore once it has become evident that the petitioner had appeared before the Commission prior to the finalization and signing of the order impugned, it would be proper to remit the matter back to the Commission for reconsideration thereof upon hearing the petitioner.

Furthermore, upon having gone through the order impugned, this Court finds that the same is too general in nature. The specific queries and points raised by the petitioner do not appear to have been considered by the Commission while passing the order impugned. To wit, paragraph 8 of the order passed by the said Commission is one that generalizes all the queries raised by the petitioner in his application under the said Act of 2005 by observing that the queries are vague, general omnibus and voluminous and the said order also goes on to observe that "At times, the appellant seeking personal information which is exempted under Section 8(1)(j) RTI Act."

The aforesaid observation has not been shown to be related to the questions posed by the petitioner or queries raised or to the information sought for by the petitioner.

There is no reason given by the said Commission as to how are the information sought by the petitioner or the queries made in the application general, vague and omnibus in nature. It needs to be underscored that the first appellate authority has while disposing of the appeal held that the information sought for by the petitioner from the SPIO in his second query was not specific but the petitioner later specified the same in appeal. The said appellate authority therefore upheld the order of the SPIO and rightly so but stopped short of directing the SPIO to furnish the information which was later specified by the petitioner as observed by the appellate authority itself. This is a distressing fact. In the considered view of this Court, the said appellate authority could even while upholding the ultimate conclusion of the SPIO, very well directed the SPIO to supply the information on the basis of the better particulars provided by the petitioner in the appeal if furnishing such information was not otherwise barred or prohibited. In fact the object of the Right to Information Act, 2005 would be hindered if information that could be provided is not provided or is refused on technical grounds. The said Commission has missed such aspect of the matter.

The said Commission shall therefore revisit the matter and decide the petitioner's appeal upon hearing the petitioner after fixing a date therefor by giving prior notice of hearing to the petitioner. The said Commission shall dispose of the petitioner's appeal as aforesaid by passing a

reasoned order assigning specific reasons to support the conclusion that the said Commission would be ultimately reaching.

The entire exercise should be completed within a period of three weeks from the date of communication of this order.

With the aforesaid observations the writ petition being WPA 28542 of 2024 is disposed of.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

**(Om Narayan Rai, J.)**