



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3833 OF 2022

Kiran Madhav More

VERSUS

The State Of Maharashtra And Others

Mr. S. Y. Mahajan, Advocate for Petitioner

Mr. N. D. Raje, AGP for Respondent Nos. 1 to 3/State

Mr. Tushar Shinde h/f Mr. C. K. Shinde, Advocate for Respondent No. 4

CORAM : R. M. JOSHI, J.

DATE : 24th April, 2025

PER COURT :-

1. This petition takes exception to the order passed by the State Information Commission Bench at Aurangabad in Second Appeal No. 5040/2016 dated 09.10.2019 whereby penalty came to be imposed against the petitioner.

2. It is a case of the petitioner that before passing any order of imposition of penalty, petitioner was not served with the notice of original proceedings i.e., Second Appeal No. 5040/2016.

3. Learned counsel for the petitioner has drawn attention of this Court to the notice issued to the department for the hearing of the said proceeding, wherein it was indicated that if necessary, persons who has acted as Public Information Officer/ First Appellate Officer at the relevant time, may

also be communicated to appear in the proceeding. He further drew attention of the Court to the communication issued by the department indicating that no such intimation of the pendency of the proceeding before the Commission was ever given to the petitioner. Apart from this, it is his submission that the Commissioner has issued corrigendum to the order passed in Second Appeal replacing name of the petition on place of Shri. Shrikrushn Nakate. On these amongst other contentions, impugned order is sought to be set aside.

4. Heard learned counsel for contesting respondents and learned AGP.

5. On the perusal of the record, it does not appear to this Court that any notice was individually issued to the petitioner. Not only any notice/knowledge was there with the petitioner of the original proceeding but also the proceeding initiated against him for imposition of penalty. Thus, basic principle requires of audi alteram partem has not been followed before containing petition and imposing penalty on him. On this count itself, the order impugned cannot sustain. Hence, deserves to be set aside.

6. Petition stands allowed in terms of Prayer Clause “B”.

(R. M. JOSHI, J.)

bsj