



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1012 WRIT PETITION NO. 13057 OF 2022

YUNUS BASHIR PATEL

VERSUS

MAHARASHTRA STATE INFORMATION COMMISSION BENCH AT NASHIK
AND OTHERS

...

Mr. Amol S. Gandhi – Advocate for Petitioner
Mr. V.S. Badakh – AGP for Respondent No.1, State
Mr. M.R. Wagh – Advocate for Respondent No.3

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 18.12.2025

PER COURT :

1. Heard learned Counsel for the respective parties.
2. By way of this petition, the petitioner challenges the order dated 10.10.2019 passed by the Maharashtra State Information Commission Bench at Nashik, whereby the learned Appellate Authority allowed the Second Appeal filed by respondent No.3 and imposed costs of Rs.5000/- upon the petitioner.
3. Learned Counsel for the petitioner submits that respondent No.3 had filed an application under the Right to Information Act, 2005 seeking certain information from the petitioner. He invited attention of this Court to the document at page 31, wherein, during the pendency of the

proceedings before the State Information Commission, respondent No.3 has made an endorsement that he had received the entire information and that he had no objection. Therefore, learned Counsel for the petitioner submits that the State Information Commission ought not to have imposed a penalty on the petitioner on the ground that the information was not supplied within stipulated period. Hence, the penalty imposed under the Right to Information Act is liable to be set aside.

4. Learned Counsel for respondent No.3 raises a serious dispute and submits that though the endorsement at page 31 is recorded, the information was not supplied within the prescribed period. He submits that respondent No.3 had given such endorsement in good faith but in fact no information was provided. Therefore, according to him, the State Information Commission has rightly imposed the penalty upon the petitioner.

5. Having heard learned Counsel for the petitioner and respondent No.3 and upon perusal of the record, it is evident from the letter at page 31 that respondent No.3 has specifically endorsed that he has received all the information and that he has no objection. The said endorsement clearly indicates that the information was received and accepted by respondent No.3. Once such an endorsement is made, the State Information Commission ought not to have imposed a penalty upon

the petitioner.

6. In view thereof, the order dated 10.10.2019 passed in Second Appeal No.3663/2016 by the Maharashtra State Information Commission Bench at Nasik, is quashed and set aside.

7. It is informed by the learned Counsel for the petitioner that the amount of penalty has already been deducted from the salary of the petitioner pursuant to the order under challenge. The said amount shall be refunded to the petitioner within a period of three (3) weeks from today.

[SIDDHESHWAR S. THOMBRE]
JUDGE

Pooja Kale/