IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5377 OF 2024

Pune Vidyarthi Griha & Anr. ....Petitioners
Versus
State Information Commissioner
(Pune Division) & Ors. ....Respondents

Mr. Saurabh Oka, *for Petitioners.*

Mr. Sagar Talekar*, for Respondents.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : DECEMBER 19, 2025

ORDER :

1. The core question that has been raised for consideration in this Petition is whether the Petitioner can at all be regarded as a *"public authority"* as defined in Section 2(h) of the Right to Information Act, 2005 ("***RTI Act***")

2. The core challenge in this Petition is to a direction by the State Information Commission to the Petitioner, directing that three heads of information sought by Respondent No.2 be provided. The information sought can be summarised as follows :-

A] Salary register for all Non-Teaching Staff for the period from 2001 till date in the College of Science, run by the Petitioner;

B] All original salary slips in relation to another employee Mr. Sheshrao Shingte; and

C] Seniority list from 1997-98 till date.

3. There is one more head of information directed to be provided, which the Petitioner has no quarrel with, and has already provided – this is information relating to the Respondent No. 2.

4. The inclusive portion of the definition provided Section 2(h) of the RTI Act brings within the ambit of the term "*public authority*" anybody *"substantially financed"* by the Government.

5. The Petitioner had contended on the last occasion that the college in which Respondent No. 2 is employed – the College of Science – is not dependent on any government aid even while the Petitioner institution may be getting aid in accordance with law. The Petitioner was asked to provide certified information evidencing the extent of grant received from the Government, juxtaposed with the total receipts of the Petitioner's institution, to consider materiality of the dependence on finances provided by the government.

6. A certificate by M/s Bhide & Shah Chartered Accountant dated December 10, 2025 has been tendered, which is taken on record. In a nutshell, the financing for the last five years could be summarized in the terms of the following table:

Financial Year ending on	Grant Received Amount (Rs.)	Total Receipts as per Income And Expenditure Account (Rs.)	% of Grant to the Total Income
31st March, 2021	19,00,43,365/-	85,46,75,248/-	22.24@
31st March, 2022	19,83,13,602/-	93,97,06,892/-	21.10%
31st March, 2023	24,59,53,990/-	1,15,90,07,778/-	21.22%
31st March, 2024	25,63,11,992/-	1,23,91,82,026/-	20.68%
31st March, 2025	24,76,31,883/-	1,30,81,47,691/-	18.93%

7. It is seen from the reply filed by the Petitioner to Respondent No. 1 that the contention of not being substantially financed was indeed taken up by the Petitioner, but the Impugned Order does not squarely deal with such contention. In the same breath, a plain reading of the table extracted above, it appears to me, *prima facie*, that one cannot conclude that the extent of funding by the government is insubstantial. In particular, in the last financial year, the grant received from the Government was nearly Rs.25 Crores as against a total income of Rs.130 Crores, taking the government funding to a contribution threshold of 18.93% contribution, which is not certainly a small sum either in value or in percentage terms.

8. However, the writ court ought not to draw its own impressions and conclusions on data tendered across the bar, without the issue having been examined clearly by Respondent No. 1 with a finding on the subject.

9. While Learned Counsel for the Petitioner submits that the College of Science in particular does not avail of any of such aid, the Learned Advocate for the Respondent No.2 submits that money being fungible, it would not be possible to accept this statement at face value.

10. In my opinion, since the contention of not being substantially financed was indeed taken up by the Petitioner before Respondent NO. 1, and yet, it has not been dealt with, it would be necessary for Respondent No. 1 to return a specific finding with reasons, as to whether the aid given by the government would constitute substantial financing.

11. This is necessarily a mixed question of fact and law, and information on the expenditure too would need to be examined to consider the scale of dependence by the Petitioner on government funding. Dependence on government funding brings with it the element of transparency under the RTI Act.

12. In my opinion, a clear opinion has to be formed by the Respondent No. 1 on the subject, after which the contentions on merits of the information sought, as to whether the Petitioner's contentions, if any, on the information being protected from disclosure under the RTI Act should be dealt with.

13. In these circumstances, Respondent No.1 is directed to take into account the information set out above and also seek such other information as may be necessary to deal with the Petitioner's contention of not being substantially financed by the government, such as extent of expenditure. The Petitioner is directed to file a detailed affidavit with Respondent No.1, with empirical data, justifying why, according to the Petitioner, the Petitioner should not be regarded as being substantially financed by the Government.

14. Respondent No.1 is directed to deal with this facet of the matter squarely, and specifically return a finding, one way or the other, on whether the Petitioner would be regarded as a public authority within the definition set out in Section 2(h) of the RBI Act. Pending such decision, it is directed that the information directed to be shared pursuant to the Impugned Order need not be shared. However, the Petitioner shall file the aforesaid affidavit within a period of two weeks from the upload of this order on the Court's website, and upon receipt of

the same, Respondent No.1 shall examine the matter by seeking further clarifications, if any are necessary, to answer this mixed question of fact and law. Subject to exigencies of its roster, Respondent No. 1 is requested to take a view in the matter, as expeditiously as possible, preferably within a period of four weeks of receipt of all necessary information and clarifications, if any is sought. The parties shall be heard by Respondent No. 1 and they are expected to cooperate to enable Respondent No. 1 to meet the aforesaid timeline.

15. With the aforesaid directions, the Petition is hereby ***finally disposed of***.

16. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]