

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.3155 OF 2020

(Mahesh Ramdasji Ingole and others Vs. The State Information Commissioner,
Amravati and others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. A. A. Pannase, Advocate for Petitioners.
Mr. H. D. Futane, AGP for Respondent/State.

CORAM: R. M. JOSHI, J.

DATE: 7th JULY, 2025.

1. This petition takes exception to the order passed by the second appellate authority under the Right to Information Act issuing directions to the petitioner to pay Rs.25,000/- by way of penalty to the original applicant for belatedly providing the information.

2. Learned Counsel for the petitioner has drawn attention of the Court to the fact that though second appeal came to be filed, the same has been done practically without filing first appeal under the Act. It is his contention that in absence of any order passed by the first appellate authority on any appeal so being filed, second appellate authority has no jurisdiction to entertain the appeal itself. Consequently according to him, the order cannot be sustained and deserves to be set aside.

3. None for the contesting respondent in spite of service of notice his absence indicates that he has no

inclination to oppose the petition.

4. Learned AGP on instructions have made a statement that as per the record no first appeal was preferred by the contesting respondent in this case. The photo-copy of the information received from the first appellate authority is taken on record and marked as 'X' for identification.

5. Having regard to the Right to Information Act more particularly the powers of the second appellate authority to entertain the proceeding which has been decided by the first appellate authority, in absence of first appeal being filed, second appellate authority had no power to entertain the same and to pass any order. On this count alone the petition succeed.

6. The impugned order stands set aside. Petition stands allowed.

(R. M. JOSHI, J.)