



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

WRIT PETITION NO.2743 OF 2018

[The Central Public Information Officer **..Vs..** Central Information
Commissioner and Another]

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

Court's or Judge's order

Ms S. S. Gadhave, Advocate for the Petitioner.

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 17th NOVEMBER, 2025.

1. Heard learned counsel for the petitioner.
2. None appears for the respondents though served.
3. The present petitioner challenges the order dated 29.01.2018 passed by the Central Information Commissioner in CIC/EPFOG/A/2017/114701, whereby a fine of Rs.25,000/- was imposed on the ground that the required information was not supplied within a prescribed period of limitation.
4. Learned counsel for the petitioner submits that, before imposing a penalty, the Central Information Commission ought to have issued a show cause notice to the petitioner, asking why such penalty should not be imposed. On this count alone, she submits that the order passed by the Central Information Commission is liable to be set aside.
5. I have gone through the contents of the petition and more particularly, Section 20(1) of the Right to Information Act, 2005, which reads as under :

“20. Penalties.-(1) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees;

Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him:

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Public Information or the State Public Information Officer, as the case may be.”

6. Upon perusal, it appears that no such opportunity was given to the petitioner. In view thereof, present petition is allowed. The order dated 29.01.2018 passed by the Central Information Commission in CIC/EPFOG/A/2017/114701 is hereby quashed and set aside.

(SIDDHESHWAR S. THOMBRE, J.)