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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **LPA 270/2025**

DIPAK BHATTACHARYA

.....Appellant

Through: Mr. Anjani Kumar Mishra, Mr. Faiz Khan, Mr. Sohhom Sau and Mr. Praveen Mishra, Advocates.

versus

UNION OF INDIA THROUGH THE SECRETARY, MINISTRY OF HOME & ORS.

.....Respondents

Through: Ms. Anubha Bhardwaj, CGSC with Ms. Astha Dwivedi, Advocates.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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25.04.2025

CM APPL. 24244/2025 & CM APPL. 24246/2025

1. Heard the learned counsel for the parties.
2. Having regard to the averments made in the applications seeking condonation of delay, especially considering the age of the appellant which is 76 years, we condone the delay of 74 days in filing and 105 days in re-filing the instant appeal. The application is thus allowed.

LPA 270/2025 & CM APPL. 24245/2025

3. This intra-court appeal assails the order dated 21.08.2024 passed by the learned Single Judge whereby W.P.(C) no.13593/2019 filed by the appellant has been dismissed.

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4. The petitioner had made an application under the Right to Information Act to the Joint Commissioner of Police, South East District, Sarita Vihar, New Delhi on 01.10.2017, requesting therein that he may be provided two informations – (i) information regarding the status of written complaint/e-mail dated 30.11.2016 and (ii) information regarding the policy and system followed by Delhi Police in respect of giving reply to the complaint addressed to the officials of Delhi Police alongwith copies of policy/standard procedure/citizen charter as applicable to Delhi Police.

5. Since the reply to the said queries made by the appellant under the Right to Information Act was not being provided, he approached the First Appellant Authority namely the Deputy Commissioner of Police, South East District and the first appeal was decided *vide* an order dated 30.11.2017 with a direction to send the RTI application made by the appellant to the PIO (Addl. DCP, South East District, Sarita Vihar) for further necessary action.

6. Pursuant to the First Appellate Authority's order, the PIO (Addl. DCP, South East District, Sarita Vihar) forwarded a copy of the order of the First Appellate Authority as well as the RTI application to PIO (Addl. DCP, South District, New Delhi) for compliance. In compliance of the said order, the PIO (Addl. DCP, South District) provided certain information on 29.12.2017, however, the appellant was still not satisfied with the information provided by the PIO and therefore, filed a second appeal before the Central Information Commissioner, who by means of the order dated 20.09.2019 observed that the information sought by the appellant has been supplied by the PIO *vide* his letter dated 29.12.2017. It was also noted by the Central Information Commissioner in his order dated 20.09.2019, which was challenged by the appellant-petitioner by instituting the writ petition before the learned Single

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Judge, that as per the request of the appellant, copy of the inquiry report as well as copy of the Standing Order no.A-17 dated 15.05.2010 had also been supplied to him and therefore, no further continuation of the appeal before the Central Information Commissioner, was found necessary.

7. The appellant thereafter challenged the said order passed by the Central Information Commissioner by instituting proceedings of the writ petition before the learned Single Judge of this Court, who by means of the impugned order has clearly returned a finding that the appellant was seeking information on two points, the first, pertaining to the complaint/e-mail dated 30.11.2016 and the second, pertaining to the policy and system followed by Delhi Police and that in response to complaint, copy of the inquiry report had already been provided to the appellant *vide* communication dated 29.12.2017 and additionally, the Standing Order no.A17 dated 15.05.2010, which addresses the appellant's second query regarding the policy and system followed by the Delhi Police, was also provided alongwith the aforesaid communication dated 29.12.2017.

8. Learned counsel for the appellant however, argued that so far as furnishing a copy of the inquiry report is concerned, the appellant does not have any grievance, however, the information regarding policy and system followed by the Delhi Police in respect of giving reply to complaints, was not provided to him. On a query as to whether this ground has been taken in the appeal, learned counsel for the appellant could not find the ground. We do not find any averment in the memorandum of this appeal as well, to the effect that the Standing Order no.A-17 dated 15.05.2010 which addresses the appellant's second query regarding the policy and system followed by the Delhi Police, was not provided to the appellant.

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9. A copy of the writ petition has also been enclosed with the instant appeal, a perusal of which also does not disclose anywhere that any such specific averment of fact in the writ petition, was made to the effect that the petitioner was never provided with copy of the Standing Order no.A-17 dated 15.05.2010.

10. In view of the aforesaid, we do not find any good ground, as to the question is being urged by the learned counsel for the appellant before us, validity of the order passed by the learned Single Judge which records that copy of the Standing Order no.A-17 was provided to the appellant. The ground was taken even before the learned Single Judge and there being no categorical averment of the fact that finding recorded in this regard by learned Single Judge is incorrect or is not based on record, we find it difficult to entertain the instant appeal which is hereby dismissed, however, without any order as to costs.

11. Pending application also stands disposed of.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

APRIL 25, 2025

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