CGHC010344032021 2026:CGHC:45486

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5367 of 2021

1 - Panchram Yadav S/o Shri Punitram Yadav, Aged About 60 Years R/o RO Devpur, Division Balodabazar, District Balodabazar Bhatapara (Chhattisgarh)

--- Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, General Administration Department, Naya Raipur, Atal Nagar, District Raipur Chhattisgarh.

2 - State Information Commission Through Chief Information Commissioner, Chhattisgarh State Information Commission Naya Raipur, District Raipur Chhattisgarh.

3 - The Divisional Forest Officer, Balodabazar, Forest Division Balodabazar, District Balodabazar Bhatapara (Chhattisgarh)

4 - Anil Agrawal, S/o Shri Agrawal, Aged About 50 Years R/o Bandwapara, Purani Basti, Raipur, District Raipur Chhattisgarh

--- Respondent(s)

WPC No. 680 of 2022

1 - Panchram Yadav S/o Shri Punitram Yadav Aged About 60 Years R/o RO Devpur, Division Balodabazar, District- Balodabazar Bhatapara (C.G.)

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through- The Secretary, General Administration Department, Naya Raipur, Atal Nagar, District- Raipur (C.G.)

2 - State Information Commission Through- Chief Information Commissioner, Chhattisgarh State Information Commission Naya Raipur, District- Raipur (C.G.)

3 - The Divisional Forest Officer Balodabazar, Forest Division Balodabazar, District- Balodabazar Bhatapara (C.G.)

4 - Anil Agrawal S/o Shri Agrawal Aged About 50 Years R/o Bandwapara, Purani Basti, Raipur District- Raipur (C.G.)

--- **Respondent(s)**

WPC No. 681 of 2022

1 - Panchram Yadav S/o Shri Punitram Yadav, Aged About 60 Years R/o RO Devpur, Division Balodabazar, District Balodabazar Bhatapara Chhattisgarh

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through The Secretary, General Administration Department, Naya Raipur, Atal Nagar, District Raipur Chhattisgarh

2 - State Information Commission Through Chief Information Commissioner, Chhattisgarh State Information Commission Naya Raipur, District Raipur Chhattisgarh

3 - The Divisional Forest Officer, Balodabazar, Forest Division Balodabazar, District Balodabazar Bhatapara Chhattisgarh,

4 - Anil Agrawal, S/o Shri Agrawal, Aged About 50 Years R/o Bandwapara, Purani Basti, Raipur District Raipur Chhattisgarh

--- **Respondent(s)**

WPC No. 598 of 2022

1 - Panchram Yadav S/o Shri Punitram Yadav, Aged About 60 Years R/o RO Devpur, Division Balodabazar, District Balodabazar Bhatapara (Chhattisgarh)

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through The Secreatry, General Administration Department, Naya Raipur, Atal Nagar, District Raipur Chhattisgarh

2 - State Information Commission Through Chief Information, Commissioner, Chhattisgarh State Information Commission Naya Raipur, District Raipur Chhattisgarh

3 - The Divisional Forest Officer, Balodabazar, Forest Division Balodabazar, District Balodabazar Bhatapara Chhattisgarh

4 - Anil Agrawal S/o Shri Agrawal, Aged About 50 Years R/o Bandwapara, Purani Basti, Raipur, District Raipur (Chhattisgarh).

--- **Respondent(s)**

For Petitioner(s)	:	Shri Akash Pandey, Advocate.
For State/Respondent(s)	:	Shri Sangharsh Pandey, GA.
For Respondent No.2	:	Shri Shayam Sunder Lal Tekchandani, Advocate.
For Respondent Respondent No.4-Information Seeker	:	Shri Pranjal Agrawal with Shri Nilesh C Malik, Advocates.

Hon'ble Mr. Justice Amitendra Kishore Prasad
Order on Board

28/10/2026

1. Since in all these writ petitions, the petitioner is one and the same person, they are clubbed together and are being disposed of by this common order.
2. Petitioner by way of this Writ Petition has challenged the order dated 30/09/2021 passed by the Chhattisgarh State Information Commission, Raipur in Complaint Case Nos. C/160/2021, C/161/2021, C/162/2021, C/159/2021, whereby a penalty of ₹25,000/- in each cases has been imposed under Section 20(1) of the Right to Information Act, 2005 (for short, 'the Act'). The impugned orders arise out of RTI application dated 01.06.2020 filed by respondent No. 04 seeking information relating to certified copies of cash book as well as financial permissions in respect of CAMPA fund, MGNREGA, which was denied by the petitioner, then serving as Public Information Officer, on the ground of exemption under Sections 8(1)(j) of the Act.
3. It is the case of the petitioner that the the information as sought by the information seeker was too bulky and non specific in nature. Further,

at the relevant time, there was also shortage of man power, as such, delay occurred in supplying the information as sought by the information seeker, which cannot be said to be caused on account of mala fide intention. To buttress his contention, learned counsel for the petitioner places reliance in the order dated 13.12.2012 passed by the Hon'ble Supreme Court in the matter of **Manohar vs. State of Maharashtra, Civil Appeal No.9095 of 2012, arising out of SLP(C) No.7529 of 2009** on submission that penalty requires conscious satisfaction and cannot be imposed mechanically.

4. Learned counsel for the petitioner submits that the impugned orders dated 30.09.2021 passed by respondent No.2, i.e., the Chhattisgarh State Information Commission, Raipur, is wholly unsustainable in law, having been passed in complete disregard to the fact that information has already been supplied by the petitioner to the information seeker, though belatedly. It is contended that the petitioner who was Deputy Forest Range Officer, while discharging duties as Public Information Officer, had duly considered the request of respondent No.4 and rejected the same by invoking the exemption under Section 8(1)(j) of the Act, as the information sought was exempted from disclosure. Learned counsel for the petitioner further submits that instead of exhausting the statutory appellate remedy provided under Section 19(1) of the Act before the First Appellate Authority, Respondent No. 4 directly approached the State Information Commission by filing a

complaint under Section 18 of the Act. He submits that Respondent No. 2 committed a grave jurisdictional error by entertaining a direct complaint under Section 18 when a reply/denial had already been furnished by the PIO, thereby, allowing the information seeker to bypass the mandatory statutory remedy of a First Appeal under Section 19(1). Lastly, he submits that penalty under Section 20 cannot be imposed without recording a finding of mala fide intent or deliberate refusal and since the petitioner bona fidely supplied the information as sought by the information seeker, no mala fide intent could be attributed to him.

5. On the other hand, learned counsel for respondent No.2 – Chhattisgarh State Information Commission submits that the impugned orders have rightly been passed and there is no illegality in the same. He submits that initially petitioner refused the information, however, at a later stage he supplied the same.

6. Learned State counsel would support the submission put forth by counsel for Respondent No.2 and submits that when the information was not supplied to information seeker, he approached the State Information Commission by filing complaint under Section 18 of the Act.

7. Learned counsel for Respondent No.4 – Information seeker submits that petitioner being the PIO had not supplied the information, as such, the petitioner has rightly approached the State Information

Commission under Section 18 of the Act, however, as of now, the information has been supplied to the information seeker and he is satisfied with the same.

8. I have heard learned counsel for the parties and perused the material available on record.

9. Having heard learned counsel for the parties and upon perusal of the material available on record, the following questions arise for consideration: (i) whether the State Information Commission was justified in entertaining the complaints under Section 18 of the Act, when the petitioner had already communicated the decision refusing to disclose the information sought; and (ii) whether the penalty under Section 20(1) of the Act could have been imposed upon the petitioner in the facts and circumstances of the present case.

9. So far as the first issue is concerned, it is pertinent to note that Sections 18 and 19 of the Act operate in distinct fields. Section 18 empowers the Information Commission to receive and inquire into complaints relating to matters specified therein, whereas Section 19 provides a statutory appellate mechanism for a person aggrieved by a decision of the Public Information Officer. In ***Chief Information Commissioner v. State of Manipur*, (2011) 15 SCC 1,** the Hon'ble Supreme Court has held that the Information Commission, while exercising jurisdiction under Section 18 of the Act, does not have the

power to direct disclosure of information, for which the appropriate remedy lies under Section 19 of the Act.

10. In the present case, the petitioner had communicated the refusal to furnish the information sought by respondent No. 4 by invoking the exemption under Section 8(1)(j) of the Act. In such circumstances, respondent No. 4 had the statutory remedy of preferring a first appeal under Section 19(1) of the Act before the First Appellate Authority. However, instead of availing the said remedy, respondent No. 4 directly approached the State Information Commission by filing complaints under Section 18 of the Act. The distinction between the complaint mechanism under Section 18 and the appellate mechanism under Section 19, as explained by the Hon'ble Supreme Court, was required to be kept in view while considering the nature of the grievance raised by respondent No. 4.

11. It is, however, clarified that the mere availability or non-availing of the appellate remedy under Section 19(1) does not, by itself, extinguish the Commission's jurisdiction to inquire into a complaint falling within Section 18 of the Act. Nevertheless, the nature of the proceedings and the relief sought are material considerations. In the present case, the Commission was required to examine the circumstances surrounding the alleged refusal and the subsequent furnishing of information while determining whether the ingredients for imposition of penalty under Section 20(1) of the Act stood established.

12.So far as the imposition of penalty is concerned, Section 20(1) of the Act contemplates the imposition of penalty where the Public Information Officer, without reasonable cause, refuses to receive an application, fails to furnish information within the prescribed period, malafidely denies a request for information, knowingly gives incorrect, incomplete or misleading information, destroys information, or obstructs the furnishing of information in any manner. The provision further requires the Commission to afford the Public Information Officer a reasonable opportunity of being heard before imposing such penalty.

13. In the matter of ***Manohar v. State of Maharashtra*, Civil Appeal No. 9095 of 2012**, decided on 13.12.2012, the Hon'ble Supreme Court emphasized the necessity of applying the statutory provisions governing the imposition of penalty in accordance with law. The power to impose penalty cannot be exercised mechanically, without due consideration of the facts and circumstances of the case and the explanation offered by the officer concerned.

14.In the present case, the petitioner has contended that the information sought by respondent No. 4 was voluminous and non-specific in nature and that, owing to a shortage of manpower, there was a delay in furnishing the same. It is further submitted that the petitioner had initially declined the request by invoking Section 8(1)(j) of the Act, but subsequently furnished the information sought by respondent No. 4. Significantly, learned counsel appearing for respondent No. 4 has fairly

submitted before this Court that the information has since been supplied and that respondent No. 4 is satisfied with the same.

15. It is true that the subsequent furnishing of information does not, by itself, absolve a Public Information Officer of liability for a previous violation of the Act. Equally, however, the imposition of penalty under Section 20(1) cannot be sustained merely on account of delay or an initial refusal, without due consideration of the statutory requirements and the explanation furnished by the officer concerned. The Commission is required to consider whether the circumstances specified under Section 20(1) are established and whether the explanation offered by the Public Information Officer is satisfactory.

16. In the present case, upon consideration of the material available on record, this Court finds that the impugned orders do not adequately demonstrate a proper consideration of the petitioner's explanation regarding the nature and volume of the information sought, the circumstances resulting in delay, and the subsequent furnishing of the information. Further, no adequate finding has been recorded establishing that the petitioner acted with mala fide intention or that the statutory conditions warranting imposition of penalty were otherwise satisfied after due consideration of his explanation.

17. Having regard to the facts and circumstances of the case, particularly the subsequent supply of information and the absence of adequate findings in the impugned orders justifying the imposition of penalty

under Section 20(1) of the Act, this Court is of the considered opinion that the impugned orders dated 30.09.2021 passed by the Chhattisgarh State Information Commission, Raipur, in Complaint Case Nos. C/160/2021, C/161/2021, C/162/2021 and C/159/2021 cannot be sustained.

18. Accordingly, the writ petitions are **allowed**. The impugned orders dated 30.09.2021 passed by the Chhattisgarh State Information Commission, Raipur, imposing a penalty of ₹25,000/- in each case upon the petitioner under Section 20(1) of the Right to Information Act, 2005, are hereby set aside.

19. In view of the submission made on behalf of respondent No. 4 that the information sought has already been supplied and that he is satisfied with the same, no further direction regarding supply of information is necessary.

Sd/-
(Amitendra Kishore Prasad)
Judge

Avinash