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VISHAKHA BEOHAR

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5215 of 2026

1 - Avan Banjara S/o Late Mahattar Banjara Aged About 33 Years R/o Village Kurrubhatha Post Naharpalli Thana Bhupdeopur Tahsil Kharshia Distt- Raigarh - 496661

... Petitioner(s)

versus

1 - Chhattisgarh State Information Commission Commissioner, Sector-19, North Block Nava Raipur Atal Nagar, Distt- Raipur - 492002 (C.G.)

2 - First Appeal Officer, Chief Executive Officer Janpad Panchayat Premnagar, Distt- Sarguja (C.G.)

3 - Secretary, (Public Information Officer P I O) Gram Panchayat Bhagwanpur Janpad Panchayat Premnagar, Distt- Sarguja (C.G.)

... Respondent(s)

For Petitioner(s)	:	Mr. Shubham Dewangan, Advocate.
For Respondent No. 1	:	Mr. Shyam Sunder Lal Tekchandani, Advocate

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

26/10/2026

1. By way of this petition, the petitioner has prayed for following reliefs:-

> *“10.1. That, this Hon'ble Court may kindly be pleased to set aside the Final Order (impugned order) passed by Chhattisgarh Sate Information Commission Raipur District Raipur Chhattisgarh (R-1) and remand back Second Appeal for reconsideration it on merits.*
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> *10.2. That, dispose off with liberty to petitioner that petitioner can approach the Chhattisgarh Sate Information Commission Raipur District Raipur Chhattisgarh (R-1) with complaint under section 18 of Right to Information Act 2005 in short RTI which Chhattisgarh Sate Information Commission Raipur District Raipur Chhattisgarh (R-1) can here and pass his final order in stipulated time as per Hon'ble Court*
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> *10.3. That Hon'ble Court may direct Secretary (Public Information Officer PIO) Gram Panchayat Bhagwanpur Janpad Panchayat Premnagar District Sarguja Chhattisgarh (R-3) for providing information to the petitioner free of cost as per Right to Information Act 2005 in short RTI.*
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> *10.4. Any other relief, which Hon'ble Court deems fit and proper may also kindly be granted, in the interest of justice.”*

2. Learned counsel for the petitioner submits that the Chhattisgarh State Information Commission, Raipur, has dismissed the petitioner's second appeal on the ground of delay without affording him a fair opportunity of hearing and without considering

the reasons explained by him for the delay. It is contended that the First Appellate Authority, namely, the Chief Executive Officer, Janpad Panchayat, Premnagar, District Surguja, had not passed the final order, and the petitioner was awaiting the same. It is further submitted that the petitioner was suffering from illness and had been advised complete bed rest by the treating doctors, besides facing difficulties due to the ongoing construction of his damaged house, which contributed to the delay in filing the second appeal. Learned counsel submits that, despite furnishing documents and explaining the reasons for the delay by way of a notarized affidavit, the Commission dismissed the appeal without considering the merits of the matter, particularly when the information sought by the petitioner has not been furnished to him till date. Therefore, the impugned order deserves to be set aside.

3. Learned counsel appearing for respondent No. 1, Chhattisgarh State Information Commission, submits that the impugned order has been passed in accordance with the provisions of the Right to Information Act, 2005, after considering the material available on record. It is contended that the petitioner has failed to establish sufficient cause for the delay in filing the second appeal and that the reasons assigned by him do not warrant interference with the order passed by the Commission. Learned counsel, therefore, submits that the impugned order does not suffer from any illegality or infirmity warranting interference by this Court in exercise of its writ jurisdiction and prays for dismissal of the petition.

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

5. Considering the facts and circumstances of the case, particularly the delay of about 412 days in filing the second appeal by the petitioner before the Chhattisgarh State Information Commission, this Court is of the considered view that the Commission cannot be said to have committed any error in declining to entertain the second appeal on the ground of delay. Therefore, no interference with the impugned order is warranted in the present petition.

6. However, the petitioner shall be at liberty to file a fresh application seeking the requisite information in respect of the subject matter of the earlier application, in accordance with law.

7. With the aforesaid liberty, the petition stands **disposed of.**

sd/-

(Amitendra Kishore Prasad)
Judge

Vishakha