

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 18676 OF 2024

Abhijit Dhondiram Anap

...Petitioner

Versus

The State Information Commissioner And Anr

...Respondents

**Mr. Bhushan Raut, a/w Vipul Dada Patil, Shubha Shirsat, for the
Petitioner.**

**Smt. Kavita N. Solunke, AGP, a/w Hamid D. Mulla, AGP for
Respondent-State.**

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : February 10, 2026

ORDER :

1. Rule. Made returnable forthwith, and by consent of the parties, taken up for final hearing.

2. This Petition essentially challenges an order passed by the State Information Commission imposing a penalty of Rs.25,000/- under Section 20 of the Right to Information Act, 2005 ("***the Act***"). The reason for which the penalty has been imposed is allegedly sustained non-compliance with an order directing the release of information by the Petitioner who was the Information Officer.

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3. By an order dated January 11, 2024, a second appeal under the Act, namely Appeal No.KR-1803 of 2021 came to be disposed of, directing the Petitioner to make a full disclosure of the information sought by the Applicant in the matter. However, it is admitted that such information had not been released until August 5, 2024.

4. Upon receipt of a show cause notice issued on January 11, 2024, the Petitioner appeared before the Respondent on at least three occasions and at the end of assessment of the Petitioner's position, the impugned order came to be passed. The only reason given by the Petitioner in his reply to the direction to show cause is that a certain Government Resolution dated August 25, 2022 was perceived by him to be applicable and that led to confusion in his mind in complying with the order directing the disclosure of the information. The Petitioner has also given a written reply on September 30, 2024 which has been taken into consideration and has been analysed by the Respondent, Commission in the impugned order.

5. The core grievance in this Petition is alleged non-compliance with principles of natural justice. Having perused the record, and having appreciated the contents of the notice as well as the final order passed by the Respondent, it is evident that the fundamental claim by

the Petitioner that an opportunity of being heard under the proviso to Section 20(1) was not granted to him, is entirely baseless and untenable. The Petitioner was given a chance to respond, the Petitioner has been present at every hearing, and no material has been brought to bear to indicate how principles of natural justice have been violated.

6. The penalty to be imposed is subject to a maximum of Rs.25,000/- which is computed at the rate of Rs. 250/- per day. Even taking the maximum penalty imposed at the rate of Rs. 250/- per day, the delay that would correspond to such maximum penalty would be 100 days. Admittedly, in the facts of this case, the delay is in excess of 200 days.

7. That apart, no plausible logical reason has been given by the Petitioner in response to the notice asking him to show cause. That apart, the very ground on which this Petition is sought to be pursued, namely, that the opportunity of being heard was not given, is wholly unfounded, as the *roznama* explicitly records and Learned Advocate for the Petitioner acknowledges that he was present on each of these hearings.

8. If information officers do not comply with directions to provide information, the operation of the Act would be stultified. The contentions of the Petitioner are wholly devoid of merit.

9. In these circumstances, the Petition is wholly devoid of merit and deserves to be *dismissed*.

10. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]