



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

WRIT PETITION NO. 5454 OF 2024

Satish Sadashiv Masal,
Age 43 years, Occ: Service,
R/o Presently at Government quarter,
Hinganghat, Dist. Wardha.

....PETITIONER

...V E R S U S...

1. State Information Commission,
Maharashtra State, Bench at Nagpur
through its Commissioner.
2. First Appellate Authority / Tahsildar,
Tahsil Office, Savner, Tq. Saoner, Dist. Nagpur.
3. Suryabhan Gulabrao Meshram,
Age Major, R/o At Hingna, Post Khubala,
Tq. Savner, Dist. Nagpur.

...RESPONDENTS

Mr. A. P. Kalmegh, Advocate for petitioner.
Mr. N. R. Rode, A.G.P. for respondent nos.1 and 2
Mr. C. F. Bhagwani, Advocate for respondent no.3

CORAM:- M.W. CHANDWANI, J.
DATE :- APRIL 01, 2026

ORAL JUDGMENT:

Rule. Rule made returnable forthwith. Heard finally
with the consent of learned counsels appearing for the parties.

2. The petition challenges the order dated 28.10.2020
passed by respondent no.1 – The State Information Commission,

Nagpur (for short, “Second Appellate Authority”) in Appeal No. 2412/2019 imposing penalty on the petitioner under Section 20(1) of the Right to Information Act, 2005 (for short “RTI Act”) for not supplying the information to respondent no.3 – Suryabhan Gulabrao Meshram. The petitioner also challenges the order dated 27.09.2023 passed by the Second Appellate Authority in Complaint No. 95/2021 filed by respondent no.3, thereby directing the petitioner to comply with the order dated 28.10.2020 within two weeks.

3. Respondent no.3 sought information by filing an application dated 10.06.2019 under the RTI Act from the office of the Sub Divisional Officer, Saoner, however, the information was not supplied to him within the prescribed statutory period. Therefore, he filed a first appeal before respondent no.2 – The Tahsildar, Savner (for short, “First Appellate Authority”). Since, the first appeal was not decided within the stipulated period, respondent no.3 filed a second appeal before the Second Appellate Authority. The Second Appellate Authority in the second appeal found that the information was not supplied by the Public Information Officer within the stipulated time and therefore, imposed a penalty of ₹25,000/- was imposed on the petitioner and further recommended initiation of Departmental Enquiry against

the petitioner. Thereafter, a complaint bearing No. 95/2021 was filed for non-compliance of the order passed by the Second Appellate Authority in the second appeal, wherein the petitioner was directed to comply with the order passed in the second appeal. Feeling aggrieved by the impugned orders, the petitioner filed the present petition.

4. Heard the learned counsels appearing for the petitioner as well as the respondents. I have gone through the record.

5. Though, various grounds have been raised in the petition, the only ground which is pressed is that the Second Appellate Authority ought to have issued a notice to the petitioner before imposing the penalty. Proviso to Section 20(1) of the RTI Act provides that before imposing the penalty, the State Information Commission or the Central Information Commission as the case may be, shall give a reasonable opportunity of being heard to the incumbent Officer. Proviso to Section 20(1) is squarely applicable to Section 20(2) and therefore, the Second Appellate Authority ought to have issued a notice to the petitioner before recommending disciplinary action as well.

6. Perusal of the record shows that, before imposing penalty, no show cause notice was issued to the petitioner in the appeal nor a separate show cause notice was issued in the

complaint, as provided under the proviso to Section 20(1) of the RTI Act. Therefore, the impugned order dated 28.10.2020 passed by the Second Appellate Authority imposing penalty on the petitioner does not stand to the reason and is required to be set aside. Consequently, the order dated 27.09.2023 is also required to be set aside to the extent of directing the petitioner to comply with the order dated 28.10.2020 of depositing the amount of penalty of Rs.25,000/-.

7. The impugned order dated 28.10.2020 passed by respondent no.1 – The State Information Commission, Nagpur is quashed and set aside to the extent of imposing penalty on the petitioner. The order dated 27.09.2023 also stands quashed and set aside to the extent of directing the petitioner to deposit the amount of penalty. The matter is remanded back to the Second Appellate Authority for deciding it afresh in view of the above observations.

8. The Writ Petition is partly allowed. Rule accordingly.

(M.W. CHANDWANI, J.)