



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

WRIT PETITION NO. 5817 OF 2025

Babarao Ambadas Shinde

Vs.

State Information Commissioner Bench at Amravati and Ors.

WRIT PETITION NO. 5819 OF 2025

Babarao Ambadas Shinde

Vs.

State Information Commissioner Bench at Amravati and Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. A.P. Kalmegh, Advocate for petitioner.

Ms. Prachi Joshi, AGP for respondent No.1/State in WP
No.5817/2025.

Ms. K.H. Bhondge, AGP for respondent No.1/State in WP
No.5819/2025.

Mr. O.R. Deshpande, Advocate for respondent No.2.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 25.02.2026

Heard learned counsel for the petitioner as
well as respondents.

2. The issue involved in these petitions is
identical and can be disposed of by common order. These
petitions arise out of the provisions of the Right to
Information Act, 2005 (for short 'the Act of 2005'). In the
proceedings of appeal filed by the respondents before the

second Appellate authority, by the impugned order a penalty of Rs.25,000/- has been imposed upon the Public Information Officers under the provisions of Section 20(1) read with Section 19(8) of the Act of 2005.

3. The argument is that the penalty has been imposed without giving an opportunity of hearing to the petitioners.

4. Learned counsel for the petitioners has relied upon the orders passed by the Co-ordinate bench of this Court in the case of *Babarao Ambadas Shinde Vs. State Information Commissioner, Bench at Amravati and Ors*, in Writ Petition No.2001/2021 with connected matters decided on 27.03.2025, wherein this Court took a view that before imposing penalty and explanation ought to have been sought from the Public Information Officer i.e. the petitioners. In other words, the Co-ordinate Bench has reiterated the well settled principle that no one should be condemned unheard and any order passed without an opportunity of hearing to the parties is unsustainable in law.

5. In that view of the matter, the impugned order is liable to be set aside to that extent.

6. Although learned AGP as well as learned counsel for respondent No.2 tried to justify the impugned

order however, the fact remains that the impugned order imposing penalty has been passed without any opportunity of hearing to the petitioners.

7. In view of this, the impugned order to the extent it imposes penalty of Rs.25,000/- upon the petitioners is quashed and set aside.

8. The matter is remanded back to the respondent No.1 - State Information Commissioner, Bench at Amravati, for considering the matter afresh in the light of what has been stated in the body of the said order.

9. The respondent No.1 shall give an opportunity of hearing to the petitioners before passing any orders.

10. The parties shall appear before the respondent No.1 – State Information Commissioner, Bench at Amravati on 06.03.2026.

11. The writ petitions are accordingly disposed of in the aforesaid terms. No order as to costs.

(Prafulla S. Khubalkar, J.)