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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6691/2019, CM APPL. 28190/2019**

UNION OF INDIA

.....Petitioner

Through: Ms. Akansha Choudhary, Ms.Sonia
Rana and Ms.Anjana Gosain,
Advocates.

versus

DR. NAUTAN THAKUR

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **29.04.2026**

1. The Petitioner, sought quashing and setting aside the decision dated 26.03.2019 passed by the Central Information Commission ("**CIC**"), whereby, the Second Appeal preferred by the Respondent was allowed and the Petitioner was directed to disclose the information sought.
2. The Respondent filed an RTI Application dated 10.07.2017 before the Central Public Information Officer ("**CPIO**") of the Ministry of Civil Aviation ("**MCA**"), seeking copies of entries files, including note sheets and various letters and documents exchanged between the MCA and other departmental offices, in relation to the proposed disinvestment of Air India.
3. The CPIO rejected the RTI application vide reply dated 12.07.2017 on the ground that the information was not available in material form. The



First Appellate Authority, vide order dated 11.08.2017, upheld the said reply, additionally holding that since the disinvestment process was still ongoing and no final decision had been taken, the information was exempt under Section 8(1)(i) of the RTI Act. Being aggrieved, the respondent preferred a Second Appeal dated 12.09.2017 before the CIC, which vide the impugned order dated 26.03.2019, directed disclosure of the desired information, holding that the denial was not justified as per RTI Act.

4. The challenge to the impugned order is primarily founded on the ground that the information sought by the Respondent pertains to the proposed disinvestment of Air India, which is a matter of commercial sensitivity and secrecy. It is submitted that the Cabinet had accepted the proposal for disinvestment in principle, and the entire process of disinvestment was at a nascent and ongoing stage. Since no final decision had been taken and the matter was then pending before the competent authority for finalization, the information was squarely exempted from disclosure under Section 8(1)(i) of the RTI Act, 2005, which exempts Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers from disclosure, until the decision is taken and the matter is complete

5. Since the commercial interest of the State was involved, the information ought not to have been directed to be supplied. Given that the RTI applicant is not prosecuting the matter and the factual position with respect to the disinvestment of Air India has undergone a change, it would be in the interests of justice to dispose of the present petition, with liberty to the Respondent to file a fresh application before the competent authority, if he so desires.



6. More importantly, the Court bears in mind that the interim order passed in this petition has remained in operation and the desired information has not been supplied to the RTI applicant.

7. With the aforesaid observations and liberty, the instant petition and pending applications if any stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

APRIL 29, 2026

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