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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 14408/2023, CM APPL. 57090/2023 & CM APPL. 14690/2024**

Date of Decision: 22.04.2026

IN THE MATTER OF:

CAPTAIN AMIT SINGH

.....Petitioner

Through: Mr. Pranav Sachdeva, Ms. Mishra
Divya Santosh, Mr. Sanyam Jain, Mr.
P. Rohit Ram, Ms. Khushboo Singhal
Adv.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Ms. Anjana Gosain and Ms. Akansha
Choudhary, Adv.
Mr. Gautam Narayan, Sr. Adv., Mr.
Amit Mishra, Ms. Mitakshara Goyal,
Mr. Akhil Kulshrestha, Mr. Vaibhav
Kharbanda, Mr. Shivam Goel. Ms.
Shrijeta Pratik, Adv. for R3.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)



1. The present petition has been filed seeking the following reliefs:
 - “a) Issue an appropriate writ, order or direction quashing the impugned order, dated 22.09.2023, passed by the Hon’ble Central Information Commissioner in CIC/MOCAV/A/2022/654536, and*
 - b) Direct the Respondents to provide information sought by the Petitioner vide his RTI Application dated 30.05.2022, and*
 - c) Pass such other or further order(s) / direction(s), which may be deemed fit and proper by this Hon’ble Court in view of the facts and circumstances of the present case to meet the ends of justice.*
2. The genesis of the present petition lies in an application filed by the petitioner under the Right to Information Act, 2005 (hereinafter, “**RTI Act**”), whereby, he had sought certain information regarding an accident involving a Boeing 737-800 aircraft. It has been submitted that on 11.10.2018, the said aircraft, while taking off for its journey from Trichy to Dubai, struck the Instrument Landing System (ILS) localiser antennae.
3. However, the petitioner’s application was rejected by the Central Public Information Officer (hereinafter, “**CPIO**”), on the ground of exemption under Section 8(1)(h) of the RTI Act. It may be relevant to extract the said provision hereunder:

“8. Exemption from disclosure of information: (1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,-

...

(h) information which would impede the process of investigation or apprehension or prosecution of offenders;

...”
4. Thereafter, the petitioner preferred an appeal before the First Appellate Authority (hereinafter, “**FAA**”), which was also dismissed. The operative part of the order passed by the FAA has been extracted below:



“The Final Report of the accident involving B737 aircraft registered as VT-AYD on 11th Oct 2018 while operating flight IX611 has been made public by DG, AAIB and is available on AAIB website. However, the information requested in the application pertains to evidence collected during the investigation and cannot be disclosed under Section 8 (1) (h) of Right to Information Act, 2005. Additionally, it is protected from disclosure under Rule 17(g) of Aircraft (Investigation of Accidents and Incidents) Rules, 2017.”

5. Aggrieved by the order of the FAA, the petitioner filed a second appeal before the Central Information Commission (hereinafter, “CIC”), which also came to be dismissed by way of the impugned order.
6. Learned counsel for the petitioner argues that the information was wrongly denied by invoking the exemption under Section 8(1)(h) of the RTI Act. It is submitted that the investigation in question had been concluded long before the orders were passed by the CPIO and FAA. It is, therefore, argued that the ground of exemption under Section 8(1)(h) could not have been taken by the aforesaid authorities.
7. It appears from the record of the case that the FAA, while rejecting the first appeal, had assigned certain additional grounds that had not been taken by the CPIO in his reply. The FAA had observed that the information sought was not only exempted under Section 8(1)(h) but also under Rule 17 (g) of the Aircraft (Investigation of Accidents & Incidents) Rules, 2017. However, the CIC, in the impugned order, nowhere deals with the said additional ground.
8. At this stage, it may be appropriate to refer to the operative portion of the impugned order passed by the CIC:



“Commission, after perusal of case records and submissions made during hearing, observes that an appropriate response as per the provisions of the RTI Act, 2005 has been provided by the Respondent. Thus, the Commission is of the considered opinion that no further intervention of the Commission is warranted in this case. The appeal is disposed of accordingly.”

9. A bare perusal of the CIC’s order would indicate that it has assigned no reasons for upholding the order of the FAA. It has failed to deal with the additional ground relied upon by the FAA for the denial of information. Instead, the CIC has merely directed the CPIO to furnish a copy of his written submission to the petitioner. The CIC, in passing such an order, has failed to satisfactorily discharge its obligations as an appellate authority under the RTI Act inasmuch as it has passed a mechanical order, without dealing with the grounds taken by the lower authority.

10. This Court, in ***SR Dass v. CPIO & Nodal Officer and Anr.***¹, set aside an order of the CIC and remanded it back for reconsideration as the same was passed in a cryptic manner. Para 9 of the said judgement has been reproduced below:

“9. Without going into the merits of the submissions made, as the Impugned Order has not discussed the above issue and has, in a cryptic manner, disposed of the Appeal in form of a direction as reproduced hereinabove, in my opinion, it is a fit case where the Impugned Order be set aside and the matter be remanded back to the learned CIC for deciding the Appeal on merits and in accordance with the law.”

11. The Supreme Court has, in multiple judgements, emphasized the necessity of passing reasoned orders. In ***Rani Lakshmi Bai Kshetriya Gramin Bank v. Jagdish Sharan Varshney***², the Apex Court made the following observations in paras 8 and 9:

¹W.P.(C) 8959/2020, order dated 11.11.2020.

²(2009) 4 SCC 240.



“8. The purpose of disclosure of reasons, as held by a Constitution Bench of this Court in S.N. Mukherjee v. Union of India [(1990) 4 SCC 594 : 1990 SCC (Cri) 669], is that people must have confidence in the judicial or quasi-judicial authorities. Unless reasons are disclosed, how can a person know whether the authority has applied its mind or not? Also, giving of reasons minimises the chances of arbitrariness. Hence, it is an essential requirement of the rule of law that some reasons, at least in brief, must be disclosed in a judicial or quasi-judicial order, even if it is an order of affirmation.

9. No doubt, in S.N. Mukherjee case [(1990) 4 SCC 594 : 1990 SCC (Cri) 669] it has been observed that: (SCC p. 613, para 36)

“36. ... The appellate or revisional authority, if it affirms such an order, need not give separate reasons if the appellate or revisional authority agrees with the reasons contained in the order under challenge.”

The above observation, in our opinion, really means that the order of affirmance need not contain an elaborate reasoning as contained in the order of the original authority, but it cannot be understood to mean that even brief reasons need not be given in an order of affirmance. To take a contrary view would mean that appellate authorities can simply dismiss appeals by one-line orders stating that they agree with the view of the lower authority.”

12. Similar view has been taken by the Supreme Court regarding the importance of recording of reasons in **CCT v. Shukla & Bros.**³, and **Siemens Engg. & Mfg. Co. of India Ltd. v. Union of India.**⁴

13. Therefore, keeping in mind all of the above, the impugned order is set aside and the matter is remitted back to the CIC for fresh consideration, while leaving all rights and contentions open.

14. Let the CIC to deal with the petitioner’s appeal with due expedition but not later than four months from the date of receipt of the copy of the order passed today.

³(2010) 4 SCC 785.

⁴(1976) 2 SCC 981.



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15. Accordingly, the writ petition stands disposed of. Pending applications also stand disposed of.

PURUSHAINDRA KUMAR KAURAV, J

APRIL 22, 2026

Tr/sv