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

\+ W.P.(C) 2795/2012

TELECOM REGULATORY AHTHORITY OF INDIA .....Petitioner

Through: Mr. Tejveer Singh Bhatia and Mr. V.Suresh, Advocates.

versus

VIRAJOO KUMAR .....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

O R D E R

% 09.03.2026

1. This petition seeks to challenge the order dated 25.10.2010 (*hereinafter* '***the impugned order***') passed by the Central Information Commission (*hereinafter* '***the CIC***'). The paragraph nos. 9 to 11 of the said order is extracted as under:

> "*9. In view of the above, we are of the opinion that the appellant is legally entitled to seek the information from TRAI u/s 2 (f) of the RTI Act and TRAI is mandated to call for such information from the service provider (Reliance Company in this case) as mentioned hereinabove and furnish the same to the appellant. We, respectfully, disagree with the view taken by other Single Benches of the Commission.*
> *10. Before parting with this matter, we would, however, like to observe that collection, collation and transmission of information by the public authority, or, for that matter, by a private entity, is a costly exercise and puts strain on their resources. The information seeker must seek only that information which he genuinely needs or which is of any use to him. Wanton demand for information is against the spirit of the RTI Act. Given the fact that the appellant has not appeared before the Commission to canvass his case goes to show that he is not-serious about the matter. Besides, we also find some merit in Shri Abraham's submission that some*

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of the requested information is already available with the appellant. The appellant is not before the Commission to clarify the position. In the premises, we direct that information in regard to para 01 only may be provided to the appellant after accessing it from the service provider.

11. The order of the Commission may be complied with in 06 weeks."

2. Learned counsel appearing for the petitioner rightly places reliance on a decision dated 07.01.2025 of this Court passed in W.P.(C) 3026/2015, in the case of the same petitioner as herein, titled ***Telecom Regulatory Authority of India vs. Akshay Kumar Malhotra***[1]**.** This Court in terms of paragraph nos. 25 to 28 has held as under:

"*25. In conclusion, the Court finds merit in the Petitioner's challenge to the impugned order. The CIC erred in directing TRAI to requisition information from the TSP, Vodafone, and provide it to the Respondent under the RTI Act. TRAI's authority to request information from TSPs is confined to fulfilling its regulatory functions under the TRAI Act and the TCCCPR 2010. It does not extend to addressing individual grievances or accessing customer-specific information solely for dissemination under the RTI framework.*

26. The Court further finds that the CIC's observation requiring the Respondent to seek redressal before the Consumer Disputes Redressal Forum was misplaced and beyond its statutory mandate. TRAI is not a service provider or a consumer under the Consumer Protection Act, and any grievance against TRAI's actions or inactions must be pursued before the TDSAT, as established under the TRAI Act. By making observation and issuing directions unrelated to the scope of the RTI Act, the CIC undermined the legislative framework governing the resolution of telecom disputes.

27. In view of the foregoing, the petition is allowed, and the impugned order is set aside.

28. It must be mentioned that this Court acknowledges the larger issue of unsolicited commercial communications raised by the Respondent, which impacts a substantial portion of the population. The Court notes that the Respondent has pursued remedies available under the TCCRR 2012, by filing an appeal before the Appellate Authority of Vodafone. However, the adjudication of that appeal falls outside the scope of the present proceedings. Nothing in this judgment should be construed as expressing any view on the merits of the Respondent's grievances or the said appeal, which must be decided independently and in accordance with the

[1] 2025:DHC:30

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applicable legal framework."

3. It be also noted that the Court *vide* interim order dated 11.05.2012 directed the stay of the impugned order and the interim order dated 11.05.2012 was made absolute vide Order dated 27.02.2013.

4. Even none is appearing on behalf of the respondent.

5. Having considered the legal position as propounded by this Court in the case of ***Akshay Kumar Malhotra,*** the Court finds that this petition deserves to be allowed and the impugned order needs to be set aside.

6. Accordingly, the impugned order stands set aside. The petition stands allowed, and, accordingly, disposed of, in view of the law laid down by this Court in the case of ***Akshay Kumar Malhotra.***

PURUSHAINDRA KUMAR KAURAV, J

MARCH 9, 2026
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