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

+ **W.P.(C) 596/2026**

DIRECTORATE GENERAL OF HEALTH SERVICESPetitioner

Through: Mr. Tushar Sannu, Counsel for
GNCTD with Mr. Priyankar Tiwary
and Ms. Shaoni Das, Advocates.

versus

SANJEEV KUMAR & ANR.

.....Respondents

Through: Mr. Pranav Sachdeva, Mr. Sanyam
Jain, Ms. Khushboo Singhal, Mr. P,
Rohit Ram, Ms. Mishra Divya
Santosh, advocates for R-1.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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16.01.2026

CM APPL. 2908/2026

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioner seeks to challenge the order dated 16.01.2025 passed by the Central Information Commission, whereby, in addition to directing disclosure of certain information to Respondent No. 1, the Commission has also directed payment of compensation amounting to ₹45,000/-, issued an advisory under Section 25(5) of the Right to Information Act, 2005 (hereinafter 'RTI Act') and also imposed a penalty.
4. The facts manifest that an application under the RTI Act was filed by



Respondent No. 1 on 31.10.2023, seeking the following information:

“Please provide me complete and detailed point-wise information together with all related documents/correspondence/file-notings etc on under-mentioned aspects:

1. Regulatory public-authority for Artemis Hospital (A-1, New Friends Colony, New De!hi- 110025) mentioning date of first issue of license to the said Artemis Hospital by the said regulatory authority

2. Had the said Artemis Hospital valid license issued by DGHS and/or any regulatory public authority on the dates of hospitalization (07.04.2023 and 08.04.2023) of my wife Smt Shikha Aggarwd

3. If yes to (2), provide a copy of the license with validity of 07.04.2023 to 08.04.2023 from the concerned regulatory authority to the said Artemis Hospital

4. If no to (2), complete and detailed information together with all related documents/correspondence/file-notings etc on action taken against the said Artemis Hospital for continuing hospital and medical treatments on 07.04.2023 and 08.04.2023 without having a valid license

5. Please provide me complete and detailed information together with an related documents/correspondence/file-notings etc on action taken on my complaint dated 06.06.2023 lodged at CPGRAMS portal (copy enclosed) either by DGHS and/or by any authority where the said complaint might have been forwarded r ANNEXURE P-1/B 102

6.. Relationship of Claim Therapist with the said Artemis Hospital for cashless hospitaltreatment

7. Year-wise number of cases settled by Claim Therapist in respect of the said Artemis Hospital ever since the said Artemis Hospital started its hospital-activities

8. Copies of complete correspondence by the regulatory authority with the said Artemis Hospital in respect of my enclosed complaint

9. Names of doctors for which hospital-authorities charged fees in respect of treatment of my wife Smt Shikha Aggarwal clearly mentioning part of charged fees (a) paid to concerned doctors (b) retained by hospital-authorities

10. Complete information on preventive steps taken by the concerned regulatory authority to ensure that the said Artemis Hospital may not cheat patients/attendants in the manner I was cheated in respe.ct of treatment of my wife Smt Shikha Aggarwal

11. Any other related information

12. File-notings on movement of this RTI application.

In case queries relate to some other public-authority,. transfer this RTI application there under section 6(3) of RTI Act under intimation to me. Above information is also being sought under section 4(1)(d) of RTI Act with myself being the affected individual.”



5. The Public Information Officer (PIO) furnished a reply to the RTI application on 21.11.2023, providing the following information to Respondent No. 1:

“Sir,

With reference to RTI application on above mentioned subject, the reply pertaining to this branch is as under:

- 1. The regulating authority of Artemis Hospital (A-1, New Friends Colony, New Delhi – 110025) is Director General Health Services as per Delhi Nursing Homes Registration Act, 1953.*
- 2. Yes.*
- 3. Copy of registration certificate is enclosed.*
- 4. Not applicable in view of reply given at point No. 2 above.*
- 5. No such complaint is found in CPGRAMS Portal of Nursing Home Cell. The RTI representation is taken as grievance and letter dated 15.11.2023 is issued by this Directorate. Copy of the same is enclosed.*
- 6. Information does not pertain to this branch.*
- 7. Information does not pertain to this branch.*
- 8. Copy of letter issued on 15.11.2023 is enclosed.*
- 9. Information does not pertain to this branch.*
- 10. Information does not pertain to this branch.*
- 11. Information does not pertain to this branch.*
- 12. Information does not pertain to this branch.”*

6. Being dissatisfied with the information furnished, Respondent No. 1 preferred a first appeal, which was decided *vide* order dated 20.12.2023, with the following observation:



“This is an appeal under Section 19(1) of RTI Act 2005 filed by Mr. Sanjeev Kumar, for providing reply by the PIO in response to the online RTI application Id no DROHS/R/2023/60359. The appeal was conducted on 20.12.2023. ASO (NH CeH) and APIO(RTI) were present for the appeal. And as requested by the appellant to authorize his consultant Sh. Subhash Chander sharma to attend the appeal was allowed to attend hearing. During the appeal the copy of the letter was provided by the Sb, Subhash Chander Sharma vide dated 29.11.2023 (copy enclosed) and till-ie . The same has been provided to the ASO (NH Ceil) and I/C (NH Cell) directed to provide the reply of question no 6,7 and 9 within 15 days. Order passed in the appeal disposed of accordingly. In case you are not satisfied you can file second appeal to Central Information Commissioner CIC, Baba Gang Nath Marg, Munirka, New Delhi..-110067.”

7. Respondent No. 1, being further dissatisfied with the decision rendered in the first appeal, approached the Central Information Commission by way of a second appeal.

8. During the pendency of the second appeal, the Commission took up the matter on various dates and also passed interim orders from time to time.

9. On 05.06.2024, the Commission recorded that Respondent No. 1 had not been provided with correct and accurate information. Submissions were advanced on his behalf seeking directions to the PIO to furnish complete and requisite information. However, the Commission adjourned the matter to 13.06.2024, while making certain observations regarding the manner in which the information had not been supplied.

10. During the course of the hearing, on 24.09.2024, a revised reply/plan was placed on record by the Medical Superintendent in the capacity of PIO, wherein a particular stand was taken.

11. The Commission also considered the additional submissions dated 20.09.2024 filed by the appellant. Vide order dated 07.10.2024, the Commission held that the revised reply furnished by the appellant (petitioner



herein) was not convincing, and that the information sought was legally barred, except with respect to Points No. 1, 5, 6, 11, and 12 of the RTI application. Reasons were specifically recorded as to why compliance with Points No. 2, 3, 4, 7, 8, 9, and 10 was found to be unsatisfactory. The relevant extract of the aforesaid reads as under :-

Having considered the rival contentions of both the parties and perusal of records, the Commission found that the revised reply furnished by the respondent vide letter dated 12.07.2024 is not convincing and legally flawed (except for point No. 1,5,6,11,12} in terms of the RTI Act. The same is evident from the below mentioned facts:

Point Nos. 2, 3 & 4: With the revised reply given by the respondent; the relevant issue i.e. whether Artemis Hospital was having a valid registration certificate at the time of hospitalization of the patient i.e. on 07.08.2023-08.04.2023 or not, is left unattended. The respondent has enclosed a copy of Registration Certificate in the name of 'Artemis Hospital' bearing No. Reg. No./ DHS/NH/721 dated 06.07.2022 which is valid only up to 31.03.2023 and a further registration certificate bearing No. Reg. No./DHS/NH/721 dated 01.08.2023 which is valid till March, 2026. In this regard, revised submissions/ reply of the PIO is totally silent on the aspect. Further, the respondent has not quoted specific provisions of the DHS Act, 1953 and Rules made thereunder in support of his arguments which grants liberty to the private hospital to apply for registration certificate ex-post facto. Apparently on the relevant date the said hospital did not have a valid license.

- Point No. 7: On this point the appellant has sought the total number of cases settled/passed by Claim Therapist through Artemis Hospital. Here, the nature of information sought is in numeric figure, disclosure of which cannot hamper the confidentiality aspect of the said Hospital by any stretch of imagination.*

- Point No. 8: The information provided to the appellant per se appears to be incomplete. Here; the PIO or the answering respondent had failed to apply his mind for invoking Section 10 of the RTI Act to facilitate information to the appellant as he had sought correspondence pertaining to his complainant.*

- Point No. 9: Since the Artemis Hospital in their reply has already claimed that name of treating doctors are mentioned in the medical records of patients, then, why such available documents were not shared with the appellant.*

- Point No. 10: The preventive steps taken by regulatory authority more specifically by the Respondent Public Authority are the information of such nature which should be available in public domain under suo-moto*



disclosure. The non-disclosure of such generic information is against the provisions of the RTI Act.”

12. The Commission, therefore, clearly recorded that despite being afforded reasonable opportunity, the information was not fully supplied, and that the application of Respondent No. 1 was improperly handled by the appellant. Further, in the interest of justice, the Commission permitted Respondent No. 1 to place on record his version explaining why he should be held entitled to an award of compensation. The matter was thereafter adjourned to 06.01.2025.

13. The reply submitted by the petitioner to each of the points raised was also duly considered by the Commission. The Commission noted that the conduct of the Medical Superintendent, Delhi Health Services, Delhi, was casual in nature, and that he sought to sidestep his responsibility by merely forwarding the hearing notice to the Medical Superintendent, Artemis Lite Hospital. It was noted that his intention appeared to be limited to marking his presence before the Commission and evading accountability. *Vide* the order dated 16.01.2025, the Commission recorded the following observations:

“Decision:

The Commission, upon a perusal of the facts on record as well as on the basis of the proceedings during the hearing at the outset adversely viewed the conduct of Shri Sandeep Kumar Agarwal, Medical Superintendent, Delhi Health Services, Delhi who being the then and the present PIO in this case hardly bothered to give any written explanation/submission in compliance of the order dated 07.10.2024 and casually opted to sidetrack his responsibility by merely forwarding the hearing notice to the Medical Superintendent, Artemis Lite Hospital and appeared with the intention to merely mark his presence before the Commission in person. Upon being asked during the hearing regarding



the status of revised reply, Shri Sandeep Kumar Agarwal, Medical Superintendent and Shri Himanshu Sharma who claimed himself to be In-house counsel (Legal), Artemis Hospital without producing any authority letter in this regard, failed to give any specific response. Such approach of the Respondent and third party appears to be premeditated which in turn leads to causing unwarranted obstruction to free flow of information to the information seeker which is a grave violation of the spirit of the RTI Act.

In view of the above, the Commission is of the considered view that the provisions of the RTI Act have been clearly violated by Shri Sandeep Kumar Agarwal, Medical Superintendent-cum-PIO on the following grounds:

- 1. Upon receiving the hearing notice of this matter twice of different dates, he opted not to give specific point-wise updated reply to the appellant and also failed to give any reasons before the Commission. Further, there is no proper written explanation for such failure has been given by him which shows his disregard towards the provisions of the RTI Act.*
- 2. The conduct of Shri Sandeep Kumar Agarwal, Medical Superintendent cum-PIO depicts contravention of RTi Act because he has failed to provide an adequate explanation to the instant hearing notice along with reason for non-compliance of the previous -order and that the Commission construes the said act/deed of Shri Sandeep Kumar Ag2rwal, Medical Superintendent-cum-P,O as deliberately obstructing the information to the Appellant.*
- 3. His failure to comply with the directions of the Commission shows his nonchalant attitude towards the Commission.*
- 4. Further, there is nothing on record which shows that show cause hearing notice of this case has been served upon the then PIO, Dr. Nitin Kumar by Shri Sandeep Kumar, present PIO. In other words, it was revealed that Shri Sandeep Kumar Agarwal who was under obligation to serve a copy of this order to the then PIO, Dr. Nitin Kumar as per the order dated 13.06.2024 has failed to do so and reasons for such omission was also not explained by him. Resultantly, neither any written explanation nor the appearance of the then PIO is available before the Commission.”*

14. In these circumstances, a penalty of Rs. 15,000/- was imposed upon



Mr. Sandeep Kumar Agarwal, Medical Superintendent-cum-PIO, for violation of the provisions of the RTI Act. Further, compensation of Rs. 45,000/- was directed to be paid to Respondent No. 1 by the petitioner. While directing the award of compensation of Rs. 45,000/-, the Commission assigned the following reasons:

“Taking into count all abovementioned facts and records filed in the case, the Commission finds it just and reasonable that the appellant needs to be compensated for loss, harassment and detriment suffered by him as the DGHS; Delhi has failed to give timely specific information to the appellant and compelled him to run time and again by blindly ignoring his tender old age and also by not addressing the issue flagged by the appellant in toto. Therefore, the respondent public authority i.e. DGHS is directed to pay to the appellant compensation of Rs. 45,000/- (Rupees Forty-Five Thousand only) through pay order/demand draft within two weeks of receipt of this order and file a compliance with the Commission, immediately thereafter, through the link given in the hearing notice.”

15. In addition to the penalty and compensation, the Commission also issued an advisory under Section 25(5) of the RTI Act.

16. In view of the detailed findings rendered by the Commission, it is manifest that the penalty imposed upon Mr. Sandeep Kumar Agarwal, Medical Superintendent-cum-PIO, is the consequence of his own acts of omission and commission, as specifically recorded in the impugned order. The Commission has, after affording due opportunity and upon an exhaustive consideration of the record, held that the said officer deliberately obstructed the flow of information, failed to comply with binding directions of the Commission, and exhibited a nonchalant and evasive approach towards his statutory obligations under the RTI Act. The penalty has thus been levied in his individual capacity and is statutorily recoverable from his salary in terms of the Act. Consequently, any grievance arising out of such penalty is personal to the said officer alone, and if aggrieved, the law



provides him an independent remedy. The petitioner, therefore, lacks the requisite locus standi to espouse or agitate any challenge in respect of the penalty so imposed, or to assail the findings recorded by the Commission against the said officer.

17. Furthermore, the Commission has also correctly appreciated the scope and object of Section 19(8)(b) of the RTI Act, which empowers it to direct payment of compensation for any loss or detriment suffered due to non-compliance with the Act. The power is remedial in nature and aims to redress prejudice caused by unlawful denial, delay, or inaction by the concerned authority. In the present case, the Commission has rightly recorded a *prima facie* satisfaction that respondent No. 2 suffered financial loss and hardship on account of the petitioner's inaction.

18. Insofar as the advisory issued by the Commission under Section 25(5) of the RTI Act is concerned, it is settled that such an advisory is purely recommendatory in character and does not, by itself, entail any civil, penal, or coercive consequences against the petitioner. The statutory scheme of the RTI Act clearly envisages that an advisory under Section 25(5) is intended to guide and sensitize the public authority for systemic improvement and better compliance with the provisions of the Act. It is for the appropriate Government or competent authority to examine the said advisory and to take such action thereon, if any, as it may deem fit and proper in accordance with law. The issuance of the advisory in the present case is founded upon detailed findings recorded by the Commission regarding deficiencies in handling the RTI application and non-compliance with its earlier directions.

19. In view of the aforesaid facts and circumstances, and keeping in mind the limited scope of judicial review under Articles 226 and 227 of the



Constitution of India, this Court does not find it appropriate to interfere with impugned order of the Commission. The Commission has exercised its statutory discretion within the four corners of the RTI Act, after affording due opportunity to the parties and recording cogent reasons for its conclusions.

20. No perversity, procedural impropriety, or patent illegality has been demonstrated which would justify invocation of the extraordinary writ jurisdiction of this Court.

21. Accordingly, the petition stands dismissed.

PURUSHAINDRA KUMAR KAURAV, J

JANUARY 16, 2026/SH