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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 9278/2016, CM APPL. 37442/2016, CM APPL. 27897/2017**

IN THE MATTER OF:

Date of Decision: **07.05.2026**

THE COMMANDANT 510 ABW & ANRPetitioners

Through: Mr. R.V. Sinha with Mr. A.S. Singh,
Advocates.

versus

SHRI PREM KUMAR MUTREJARespondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The Petitioners in the instant writ petition have prayed for quashing of the impugned order dated 12.08.2016 passed by the Central Information Commission [CIC] in File No. CIC/RM/A/2014/003959/DP, whereby the Respondent-authority has directed disclosure of information pertaining to supply orders and procurement details relating to the establishments functioning under the Ministry of Defence.
2. The facts of the case would show that the Petitioner No.1, namely The Commandant 510 Army Base Workshop, Meerut Cantt., is one of the establishments functioning under the Ministry of Defence i.e. Petitioner

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By:PURUSHAINDRA
KUMAR KAURAV



No.2 herein, and is engaged in the overhaul and maintenance of various military and defence equipments to be utilized by the defence personnel for security and defence of the country.

3. The Petitioners averred that the Respondent herein had filed multiple applications under the Right to Information Act, 2005 [**RTI Act**] on 06.01.2014 seeking disclosure of procurement related records maintained by Petitioner No.1. It is averred that the Respondent sought photocopies of Supply Orders [**SO**] alongwith Comparative Statements of Tenders [**CST**] placed during the financial year 2012 - 2013 till the date of filing of the applications with M/s Crystal Precision Pvt. Ltd. The Respondent had also sought similar information pertaining to procurement made during the financial year 2012 - 2013 and 2013 - till the date of filing of the applications, from firms namely M/s S.D. Enterprises, Kashmere Gate, Delhi and M/s Jindal Industrial Corporation, Delhi.

4. The Petitioners further averred that the Respondent herein on 06.01.2014 filed another application under RTI Act seeking photocopies of SO alongwith CST placed by Petitioner No.1 with M/s Om Industries, Meerut during the financial year 2012 – 2013 and 2013-till the date of filing of the applications, against LPR, LLR and indigenization. The Respondent had further sought details pertaining to procurement made from M/s Shivam Trader, Meerut against LPR No. CES/EXP/15/MOS/ANCY/100981 dated 10.09.2010 for supply of M.S. Sheet 1.6 MM thick. It is further stated that, the Respondent also sought list of registered dealers alongwith their postal addresses from the office of the Central Public Information Officer, Headquarters 510 Army Base Workshop, Meerut Cantt., Meerut [**CPIO**].



5. It is further the case of the Petitioners that the Respondent herein is primarily associated with supply of spares pertaining only to “ZU-23 MM Twin Barrel Gun” systems. According to the Petitioners, by filing multiple applications under the RTI Act, the Respondent is attempting to obtain information pertaining to procurement and overhaul of various sensitive military and defence equipments with which the Respondent was never directly concerned or associated. The Petitioners averred that the information sought relates to defence equipments and weapon systems of strategic importance, disclosure whereof may adversely affect the security and defence interests of the country.

6. The Petitioners further submits that the information sought by the Respondent pertains to procurement and supply particulars of sensitive military equipments and disclosure thereof may adversely affect operational preparedness and security interests of the country. According to the Petitioners, the Respondent, despite being associated only with supply of limited category spares, has sought extensive information relating to defence procurement and supply chains and Respondent has been filing multiple RTI applications seeking large scale procurement details from various vendors and, according to the Petitioners, the nature and pattern of information sought do not appear to be *bona fide*.

7. The Petitioners averred that in pursuant to the aforesaid applications preferred by the Respondent, the **CPIO** *vide* communication dated 10.03.2014, declined disclosure of the information sought, by invoking Sections 8(1) and 11 of the RTI Act. The Petitioners state that the



Respondent was informed that the information sought pertained to commercially sensitive matters involving third-party interests and confidentiality and was, therefore, exempt from disclosure under the provisions of the RTI Act.

8. It is further the case of the Petitioners that assailing the aforesaid decision of the CPIO, the Respondent herein preferred a statutory appeal dated 07.04.2014 before the First Appellate Authority under the provisions of the RTI Act. The Petitioners state that upon due consideration of the matter, the said appeal came to be dismissed *vide* order dated 07.05.2014, wherein it was observed that requisite notices had already been issued to the concerned third parties and the request for disclosure was adjudicated upon after taking into consideration the responses received from such third parties. It is further stated that copies of the replies furnished by the concerned third parties were also made available to the Respondent herein by the First Appellate Authority.

9. The Petitioners further submits that being aggrieved by the rejection of the statutory appeal, the Respondent herein approached the CIC by preferring a second appeal dated 31.05.2014 under the provisions of the RTI Act. According to the Petitioners, learned CIC *vide* impugned order dated 12.08.2016, directed disclosure of copies of the supply orders pertaining to the five firms referred to in the RTI applications.

10. Learned counsel appearing on behalf of the Petitioners submitted that the impugned order passed by the CIC is wholly unsustainable in law, being contrary to the scheme and object of Section 8 of the RTI Act. He submitted



that the information sought by the Respondent squarely falls within the exempted categories contemplated under Sections 8(1)(a) and 8(1)(d) of RTI Act and, therefore, no direction for disclosure thereof could have been issued by the CIC. Learned counsel further submitted that Section 8(2) of the RTI Act does not confer any independent power or jurisdiction upon the CIC to direct disclosure of information otherwise protected under Section 8(1) of RTI Act and that the discretion to disclose such information in larger public interest vests exclusively with the concerned public authority. According to him, the CIC, while passing the impugned order directing disclosure of supply orders pertaining to sensitive defence procurement, travelled beyond the scope of its statutory jurisdiction and exercised powers not vested in it under the Act.

11. According to the learned counsel, the impugned order is non-speaking in nature and has been passed mechanically without due appreciation of the objections and submissions raised on behalf of the CPIO.

12. Despite service, none appeared on behalf of the Respondent.

13. I have heard learned counsel appearing for the petitioners and perused the record.

14. The short issue which arises for consideration is whether the impugned order passed by the CIC, allowing the Respondent's second appeal directing disclosure of copies of the supply orders pertaining to the five firms referred to in the RTI applications, violate the principles of natural justice and contravenes the provisions envisaged under the RTI Act.



15. At the outset, it would be apposite to refer to the order passed by CIC. The order reads as under:

“Respondent: Maj. Shelly, CPIO, 510 Army Base Wksp, Meerut Cantt. Present through VC.

Appellant stated that he wanted a copy of supply orders in respect of 5 companies mentioned in three RTI applications, all dated 6.1.2014 in financial years 2013 onwards. He pointed out that supply orders are given to chosen companies which smacks of corruption. CPIO has denied information taking refuge under exemption clauses provided in Sections 8 and 11 of the RTI Act.

CPIO submitted that information pertained to third parties and they have not consented to provide the same.

Decision

Commission observes that supply orders of public authority involve expenditure from Govt. Exchequer the Appellant is justified to know that details of the same. Information should not have been denied invoking exemption clauses under Section 8 and 11 of the RTI Act.

Commission directs the CPIO to provide copies of supply orders in respect of 5 companies mentioned in the RTI applications (3) to the Appellant without charging prescribed fees within 15 days of receipt of this order.

The appeal is disposed of accordingly.”

16. A bare perusal of the said order would indicate that while directing disclosure of the information sought by the Respondent, the CIC has neither dealt with nor assigned any cogent reasons for rejecting the objections raised by the Petitioners under Sections 8(1)(a), 8(1)(d) and 11 of the RTI Act. The order further does not reflect any independent consideration with respect to the plea of confidentiality, commercial sensitivity and national security raised on behalf of the Petitioners.

17. At this stage, it is beneficial to refer to the decision of the Supreme



Court in *ICAI Vs. Shaunak H. Satya*¹ wherein the Court, while dealing with the scope and ambit of Section 8 of the RTI Act, observed that the exemptions contemplated under Section 8 of the RTI Act are intended to protect equally important public interests and are required to be construed in a practical manner so as to maintain a balance between transparency and preservation of protected interests. It is further held that even in cases where exempted information is directed to be disclosed on the ground of larger public interest, the competent authority is under an obligation to record reasons justifying such disclosure. Para 25 and 26 of the said decision read as under:-

25. Therefore, when Section 8 exempts certain information from being disclosed, it should not be considered to be a fetter on the right to information, but as an equally important provision protecting other public interests essential for the fulfilment and preservation of democratic ideals. Therefore, in dealing with information not falling under Sections 4(1)(b) and (c), the competent authorities under the RTI Act will not read the exemptions in Section 8 in a restrictive manner but in a practical manner so that the other public interests are preserved and the RTI Act attains a fine balance between its goal of attaining transparency of information and safeguarding the other public interests.

*26. Among the ten categories of information which are exempted from disclosure under Section 8 of the RTI Act, six categories which are described in clauses (a), (b), (c), (f), (g) and (h) carry absolute exemption. Information enumerated in clauses (d), (e) and (j) on the other hand get only conditional exemption, that is, the exemption is subject to the overriding power of the competent authority under the RTI Act in larger public interest, to direct disclosure of such information. The information referred to in clause (i) relates to an exemption for a specific period, with an obligation to make the said information public after such period. The information relating to intellectual property and the information available to persons in their fiduciary relationship, referred to in clauses (d) and (e) of Section 8(1) do not enjoy absolute exemption. **Though exempted, if the competent authority under the Act is satisfied that larger public interest warrants disclosure of such information, such information will have to be***

¹ (2011) 8 SCC 781



disclosed. It is needless to say that the competent authority will have to record reasons for holding that an exempted information should be disclosed in larger public interest.

[Emphasis supplied]

18. A similar view came to be reiterated by the Supreme Court in ***Bihar Public Service Commission v. Saiyed Hussain Abbas Rizwi***², wherein it is observed that the exemptions contemplated under Section 8 of the RTI Act are statutory protections which ordinarily must operate as a rule and disclosure thereof can be directed only in exceptional circumstances upon recording due satisfaction regarding existence of larger public interest. It is further emphasized that directions for disclosure of protected information cannot be issued in a mechanical manner and that where the information is held in fiduciary capacity or pertains to matters affecting confidentiality and security interests, the competent authority is required to record cogent reasons before directing disclosure. Para 21 of the said judgment read as under:-

21. Section 8(1)(e) provides an exemption from furnishing of information, if the information available to a person is in his fiduciary relationship unless the competent authority is satisfied that larger public interest warrants the disclosure of such information. In terms of Section 8(1)(g), the public authority is not obliged to furnish any such,

“information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement and security purposes.”

If the public authority concerned holds the information in fiduciary relationship, then the obligation to furnish information is obliterated. But if the competent authority is still satisfied that in the larger public interest, despite such objection, the information should be furnished, it may so direct the public authority. The term “fiduciary” refers to a person having a duty to act for the benefit of another, showing good faith and candour, where such other person

² (2012) 13 SCC 61



reposes trust and special confidence in the person owing or discharging the duty. The term “fiduciary relationship” is used to describe a situation or transaction where one person places complete confidence in another person in regard to his affairs, business or transactions. This aspect has been discussed in some detail in the judgment of this Court in CBSE case [CBSE v. Aditya Bandopadhyay, (2011) 8 SCC 497] . Section 8(1)(e), therefore, carves out a protection in favour of a person who possesses information in his fiduciary relationship. This protection can be negated by the competent authority where larger public interest warrants the disclosure of such information, in which case, the authority is expected to record reasons for its satisfaction. Another very significant provision of the Act is Section 8(1)(j). In terms of this provision, information which relates to personal information, the disclosure of which has no relationship to any public activity or interest or which would cause unwarranted invasion of the privacy of the individual would fall within the exempted category, unless the authority concerned is satisfied that larger public interest justifies the disclosure of such information. **It is, therefore, to be understood clearly that it is a statutory exemption which must operate as a rule and only in exceptional cases would disclosure be permitted, that too, for reasons to be recorded demonstrating satisfaction to the test of larger public interest. It will not be in consonance with the spirit of these provisions, if in a mechanical manner, directions are passed by the appropriate authority to disclose information which may be protected in terms of the above provisions.** All information which has come to the notice of or on record of a person holding fiduciary relationship with another and but for such capacity, such information would not have been provided to that authority, would normally need to be protected and would not be open to disclosure keeping the higher standards of integrity and confidentiality of such relationship. Such exemption would be available to such authority or department.

[Emphasis supplied]

19. In light of the aforesaid principles laid down by the Supreme Court, this Court is of the view that while directing disclosure of the information sought by the Respondent, the learned CIC was required to independently consider the objections raised by the Petitioners with respect to confidentiality, commercial sensitivity and security implications flowing from such disclosure with the test of larger public interest. The impugned order, however, does not reflect any discussion with regard to the



applicability of the exemptions claimed by the Petitioners under Sections 8(1)(a), 8(1)(d) and 11 of the RTI Act, nor does it indicate any reasons having been recorded as to why the larger public interest warranted disclosure of the information sought.

20. Another important aspect which cannot be lost sight of is that despite service, none has appeared on behalf of the Respondent which indicates that the RTI applicant has lost interest in the information and therefore no representation is made on his behalf. Consequently, the submissions advanced on behalf of the Petitioners have remained uncontroverted.

21. The Court *vide* order dated 20.10.2016, had stayed the operation of the impugned order taking into consideration the submissions advanced on behalf of the Petitioners that the information sought by the Respondent pertained to procurement and installation of sensitive defence equipments, disclosure whereof may have bearing on matters of confidentiality and national security.

22. In view of the aforesaid discussion, it is found, that the impugned order dated 12.08.2016 suffers from non-application of mind inasmuch as the learned CIC proceeded to direct disclosure of the information sought without recording any cogent findings with respect to the objections raised by the Petitioners under Sections 8(1)(a), 8(1)(d) and 11 of the RTI Act.

23. The Court finds that the impugned order is conspicuously silent on the issue of confidentiality and security implications arising from disclosure of the procurement details pertaining to sensitive defence equipments. In



absence of any substantive reasoning or adequate justification warranting such disclosure, the impugned order could not have been passed, particularly when the information sought pertains to matters having direct bearing on safety and security interest of the nation.

24. Accordingly, for all the aforesaid reasons, the impugned order dated 12.08.2016 passed by the CIC is hereby set aside. However, liberty is granted to the Respondent to seek restoration of the second appeal before the CIC and, if such an application is preferred, the CIC shall consider and decide the same afresh in accordance with law by passing a reasoned and speaking order.

25. The writ petition is disposed of in the aforesaid terms. Pending applications, if any, also stand disposed of.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

MAY 7, 2026
tr/sa