
(2016) 01 DEL CK 0005

In the Delhi High Court

Case No : W.P. (C) 5251 of 2014 & CM Appl. 10427 of 2014

Power Finance Corporation Ltd.

APPELLANT

Vs

Sushma Singh & Ors.

RESPONDENT

Date of Decision : 14-01-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2016) 227 DLT 9

Hon'ble Judges : Manmohan, J.

Bench : Single Bench

Advocate : Dr. L.C. Singhi, Advocate, for the Respondent

Final Decision : Disposed off

Judgement

Manmohan, J. (Oral) - Present writ petition has been filed challenging the order dated 15th May, 2014 passed by the Chief Information Commissioner [for short "CIC"].

2. Learned counsel for the petitioner states that the CIC in noncompliance petition dated 19th November, 2013 arising out of the order dated 27th May, 2013 has erred in directing inspection of records which was not originally ordered in the aforesaid order. He also submits that the CIC has directed the petitioner to disclose the documents which are in the exclusive power and possession of another authority, namely, GRIDCO.

3. On the other hand, respondent no. 3 who is personally present in Court states that he had filed two non-compliance petitions dated 19th November, 2013 and 14th March, 2014 respectively and the impugned order arises from the proceedings in the said two petitions.

4. A perusal of the file reveals that the petitioner was only issued notice with regard to the non-compliance petition dated 19th November, 2013. Since the impugned order is based on allegations in both the non-compliance petitions dated 19th November, 2013 and 14th March, 2014, this Court is of the opinion

that there has been violation of principles of natural justice. Consequently, the impugned order is set aside and the matter is remanded back to the CIC.

5. However, before deciding the matter, CIC is directed to give notice of the second non-compliance petition dated 14th March, 2014 to the petitioner. It is clarified that the aforesaid remand order is without prejudice to the rights and contentions of all the parties.

6. Registry of the Central Information Commission is directed to evolve a procedure by virtue of which applications for non-compliance of CIC orders are numbered and different applications are placed in separate files so that this sort of confusion does not arise in future.

7. With the aforesaid directions and observations, present writ petition and application stand disposed of.