

(2020) 03 DEL CK 0162

In the Delhi High Court

Case No : Letter Patent Appeal No. 109 Of 2020, Civil Miscellaneous No. 6943 Of 2020

Ved Prakash Aggarwal

APPELLANT

Vs

Deputy Registrar (Cr-1) , Central Information Commission

RESPONDENT

Date of Decision : 11-03-2020

Acts Referred:

Gujarat High Court Rules, 1993 — Rule 151

Right to Information Act, 2005 — Section 6, 19, 19(1), 19(3)

Citation : (2020) 03 DEL CK 0162

Hon'ble Judges : Dhirubhai Naranbhai Patel, CJ;C. Hari Shankar, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

D.N. Patel, CJ

CM No. 6943/2020 (exemption)

Exemption allowed, subject to all just exceptions.

The application is disposed of.

LPA 109/2020

1. This Letters Patent Appeal has been preferred by the appellant (original petitioner), whose writ petition being WP(C) No. 1610/2020 was dismissed by the learned Single Judge vide order and judgment dated 12th February, 2020 (Annexure A-1).

2. Having heard the appellant in person and looking to the facts and circumstances of the case, it appears that the appellant, who is the original petitioner, had preferred an application on 29th September, 2019 under Section 6 of the Right to Information Act, 2005 (hereinafter referred to as "the Act") for seeking the following information:-

"(1) On 20.04.2019, the applicant presented one A.O. No. 407 of 2019 before Hon'ble N.G.T. In the above case, on which date, the respondent no. 1 his compliance report photocopy with evidence of presented report of report file.

(2) Kindly provide the details in this relation that through which source and on which date, the above compliance report was sent to the complainant by respondent no. 1, Municipal Commissioner, Municipal Corporation, Ghaziabad."

2. Being aggrieved for having not been supplied the aforesaid information, the appellant had preferred the first appeal under Section 19(1) of the Act on 6th November, 2019.

3. Thereafter, information was supplied on 20th November, 2019 (Annexure P-4) by the Ministry of Environment, Forest and Climate Change, Government of India and on 27th November, 2019 (Annexure P-5) by the National Green Tribunal, New Delhi.

4. Second appeal was preferred by the appellant (original petitioner) under Section 19(3) of the Act on 23rd December, 2019. The Central Information Commission had returned the second appeal of the appellant on 27th December, 2019 (Annexure P-7). Subsequently, appellant again sent a letter dated 6th January, 2020 (Annexure P-8) to the Central Information Commission to consider his second appeal.

5. Thereafter, being aggrieved by the order passed by the Central Information Commission, writ petition being WP(C) No. 1610/2020 was preferred by the appellant and the same was dismissed by the learned Single Judge vide order and judgment dated 12th February, 2020. Hence, the present Letters Patent Appeal has been preferred by the appellant (original petitioner).

6. Having heard the appellant in person and looking to the facts and circumstances of the case, it appears that after preferring an application for getting the information of certain details of a case bearing AO No. 407/2019, which was pending before the National Green Tribunal and as the information was not supplied, first appeal was preferred by the appellant under Section 19 of the Act.

7. From the facts of the case, it appears that later on, information was supplied to the appellant by the communication dated 20th November, 2019 (Annexure P-4) by the Ministry of Environment, Forest and Climate Change, Government of India as well as by the communication dated 27th November, 2019 (Annexure P-5) of the National Green Tribunal.

8. It appears that the appellant is aggrieved by the aforesaid reply dated 20th November, 2019 (Annexure P-4) as well as the communication dated 27th November, 2019 (Annexure P-5). It is alleged by the appellant that only part of the information was supplied to him through aforesaid communications. If that so, this appellant should have preferred the first appeal against the communication dated 20th November, 2019 (Annexure P-4) as well as against

the communication dated 27th November, 2019 (Annexure P-5).

9. It appears that second appeal was moved by the appellant herein without preferring the first appeal and hence, no error was committed by the Central Information Commission while passing the order dated 6th January, 2020 (Annexure P-8). This aspect of the matter has been properly appreciated by the learned Single Judge while dismissing WP(C) No. 1610/2020 vide order dated 12th February, 2020 (Annexure A-1).

10. Moreover, as per the decision rendered by the Hon'ble Supreme Court in Chief Information Commissioner vs. High Court of Gujarat and Another, 2020 SCC OnLine SC 285, wherein it has been held as under:

"44. We summarise our conclusion:-

(i) Rule 151 of the Gujarat High Court Rules stipulating a third party to have access to the information/obtaining the certified copies of the documents or orders requires to file an application/affidavit stating the reasons for seeking the information, is not inconsistent with the provisions of the RTI Act; but merely lays down a different procedure as the practice or payment of fees, etc. for obtaining information. In the absence of inherent inconsistency between the provisions of the RTI Act and other law, overriding effect of RTI Act would not apply.

(ii) The information to be accessed/certified copies on the judicial side to be obtained through the mechanism provided under the High Court Rules, the provisions of the RTI Act shall not be resorted to."

11. In view of the aforesaid decision, whenever any informant seeks any information about the details of any case from the Court/Tribunal, he has to apply for the certified copy from the very same Court/Tribunal.

12. In the facts of the present case, the appellant (original petitioner) is in search of details about a case being AO No. 407/2019, which was pending before the National Green Tribunal, New Delhi. Thus, for any detail about the case being AO No. 407/2019, the appellant should have preferred an application for getting certified copy of any order passed in AO No. 407/2019 or any other document filed or presented in AO No. 407/2019 before the National Green Tribunal, New Delhi, which has not been preferred by the appellant. Hence, we see no reason to entertain this Letters Patent Appeal and the same is, therefore, dismissed.