

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 5945/2010 and CM APPL No. 11697/2010

COMMISSIONER

KENDRIYA VIDYALAYA SANGATHAN Petitioner

**Through Mr. B. Badrinath with Dr. Puran Chand, Advocate for Mr. S. Rajappa,
Advocate**

versus

SANTOSH KUMAR

Respondent

Through None.

CORAM: JUSTICE S. MURALIDHAR

ORDER

01.09.2010

- 1. The challenge in this petition is to an order dated 6th April 2010 passed by the Central Information Commission (?CIC?) to the extent that it has levied a penalty of Rs. 25,000/- on the Petitioner for the delay in furnishing the necessary information to the Respondent.**
- 2. Learned counsel for the Petitioner sought to demonstrate that the information sought by the Respondent was provided to him in time. Secondly, it was submitted that the appeal itself ought not to have been entertained by the CIC without requiring the Respondent to first exhaust the remedy of a first appeal.**
- 3. In the considered view of this Court, no error has been committed by the CIC in the impugned order. It has been noted that although the RTI application was filed on 13th August 2009 the complete information was provided only on 6th March 2010. The delay was over 100 days. Nevertheless the penalty was restricted to a sum of Rs. 25,000/- calculated at the fixed statutory rate of Rs.250/- per day for 100 days delay. The non-exhaustion of the remedy of a first appeal by**

the Respondent would not have made any difference to the fact that the complete information was provided to the Respondent only on 6th March 2010.

4. The petition and the pending application are dismissed.

**S. MURALIDHAR, J
SEPTEMBER 01, 2010**