

Court No. - 21

Case :- WRIT - C No. - 40694 of 2009

Petitioner :- Varanasi Development Authority And Another

Respondent :- State Information Commission And Others

Petitioner Counsel :- Vivek Varma

Hon'ble Vineet Saran,J.

Issue notice to the respondents fixing a date immediately after six weeks.

All the respondents may file counter affidavit by the next date.

An application was filed by the respondent no. 3 under the Right to Information Act against the Public Information Officer and the Housing and Urban Development Secretary as well as the Principal Secretary, Housing of the State Government. It appears that the said information was not provided and thus by means of the impugned order dated 14.7.2009 a penalty of Rs. 250/- per day subject to the maximum of Rs. 25,000/- has been imposed on the petitioner no. 2, the Public Information Officer of the Varanasi Development Authority. The submission of the learned counsel for the petitioners is that the Varanasi Development Authority or its Public Information Officer was not a party to the proceedings before the Information Commissioner and thus the imposition of penalty on the petitioner no. 2 cannot be justified in law. It is further submitted that the penalty under Section 20 (1) of the Right to Information Act can be imposed only at the time of final disposal and not as an interim measure.

Considering the facts and circumstances of this case and keeping in view the aforesaid submission of the learned counsel for the petitioners, in my opinion, the petitioners have made out a prima-facie case for grant of interim protection.

Accordingly, it is directed that the effect and operation of the order dated 14.7.2009 passed by the respondent no. 2 shall remain stayed.

Order Date :- 11.8.2009

p.s.