

**Court No. - 1**

**Case :-** MISC. BENCH No. - 4986 of 2010

**Petitioner :-** Meerut Development Authority, Thru. Its Secretary & Ors.

**Respondent :-** U.P. Information Commission, Thru. Its Registrar & Others

**Petitioner Counsel :-** Ram Raj

**Hon'ble Pradeep Kant, J.**

**Hon'ble Ritu Raj Awasthi, J.**

Issue notice to the respondents.

After hearing the learned counsel for the petitioners, we are, *prima facie*, satisfied that a complaint, which is not a complaint with the requisite fee prescribed, as given under Section 6 of the Act, cannot be pressed for seeking the information and can be rejected, and a fresh application with the requisite fee can be filed or during the pendency of such application, the deficiency in fee can be made good.

In the instant case, despite the fact that the complaint was not a complaint with the requisite fee prescribed, the Public Information Officer has given the necessary information, which according to the respondents was given with delay.

Despite the fact that the information seeker did not deposit the required fee, even after opportunity being granted, the impugned order imposing a fine of Rs. 25,000/- has been passed, that too without making any enquiry, which order, *prima facie*, appears to be in violation of provisions of Section 18 of the Act.

Learned counsel for the petitioners relies upon a Division Bench judgement of this Court in the case of ***Public Information Officer vs. State Information Commission, U.P. and others, 2009 (27) LCD 1121***, wherein in Para 128, it has been stated that Section 18 is a substantive provision regarding lodging and enquiring into a complaint, whereas Section 20 is the consequence of such an enquiry.

That being so, we stay the operation of the impugned order dated 31.3.2010 passed by U.P. Information Commission, Lucknow, till further orders of the Court.

**Order Date :-** 26.5.2010

Sachin