

Court No. - 21

Case :- WRIT - C No. - 31517 of 2010

Petitioner :- S.S.L. Srivastava

Respondent :- Information Commissioner Central Information Commission & Anr

Petitioner Counsel :- Pankaj Naqvi

Respondent Counsel :- A.S.G.I.

Hon'ble V.K. Shukla,J.

Dr. Ashok Nigam, Senior Advocate, has entered appearance on behalf of respondent no. 1.

Issue notice to respondent no. 2 returnable within next twelve weeks.

It has been contended on behalf of petitioner that in the present case full background of the case has not at all been adverted to which is inclusive of the decision taken by University and order of its affirmance in appeal. Coupled with this it has been sought to be contended that vide order dated 26.03.2010 petitioner in question was asked to comply with the order on 10.04.2010 and order in question was in fact complied with and requisite information has been got furnished, and same was also accepted by the complainant in question. Petitioner submits that once information has been furnished within the requisite time frame by the Commissioner itself then in these circumstances looking into the bonafides of applicant penalty should not have been imposed under Section 21(1) of Right to Information Act, 2005.

Prima facie arguments advanced requires consideration by this Court.

Consequently, till the next date of listing operation of the order to the extent it directs realization of penalty from the petitioner in question is stayed.

Order Date :- 26.5.2010

Dhruv