

**Court No. - 21**

**Case :-** WRIT - C No. - 69365 of 2010

**Petitioner :-** National Insurance Company Limited

**Respondent :-** The Information Commissioner, C.I.C. And Another

**Petitioner Counsel :-** Vivek Kumar Birla

**Hon'ble V.K. Shukla,J.**

Issue notice to respondent nos. 1 and 2.

Each one of the respondents is granted six weeks time to file counter affidavit. Rejoinder affidavit may be filed within two weeks thereafter.

List after eight weeks.

It has been contended on behalf of the petitioner that in proceeding under Right to Information Act, 2005 requisite information had already been furnished, informing the respondent no.2, which is being quoted below:-

(i) We have requested Smt. Seela Devi, the claimant (nominee), vide our letter dated 23.3.2009 followed by reminder dated 26.6.2009 to submit some required documents i.e. attached copies of FIR, Final Police Report, Income Proof document of the deceased etc. to substantiate the cause of death as accidental in nature. The said documents are still awaited.

(ii) The claim has been got investigated. As per the Investigation Report, the deceased was only doing some temporary odd jobs, as stated by the claimant and yourself, with average earning of Rs. 2000/- to 2500/- per month. But in the proposal Forum the proposer (now deceased) declared his occupation as 'Business' with a monthly income of "Rs. 5000/-"

(iii) In the meantime Smt. Seela Devi has filed Case No. 109/09 before the Ld. Consumer Forum at Ballia on the non-settlement of the claim. The decision of the Ld. Consumer Forum on the subject Case is pending till date

(iv) On the basis of our Investigation report we feel to proceed with settlement of the claim, prima facie, subject to noted compliance. But since the claim in subjudice, we are unable to proceed without consent from the claimant. If the claimant wishes to compromise the claim for sum insured of Rs. 2,00,000/- as full and final settlement, she may contract us"

Petitioner submits that once requisite information had been furnished then in this situation and in this background in exercise of authority vested under Section 19(8)(b) of R.T.I. Act, 2005, as such by no stretch of imagination Central Information Commission could have directed for grant of

compensation without getting requisite formality fulfilled as was mentioned in the information given. Petitioner's contention has been that order which has been passed is totally transgression of the jurisdiction vested in the Central Information Commission under 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 dated 15.6.2010 shall be kept in abeyance. However, passing of this order will not come in the way of respondent no.2 to get right adjudicated as has been informed vide order dated 15.6.2010.

**Order Date :- 30.11.2010**

T.S.