

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (M/S) No. 435 of 2012.

Ramanuj Gupta S/O Late Shri Ram Kumar Gupta.

... Petitioner.

Vs.

Uttarakhand Information Commission Dehradun and two others.

...Respondent.

Mr. Sanjay Bhatt, Advocate, learned counsel for the petitioner.

Mr. J.C.Belwal, Advocate, learned counsel for the respondent No.2.

Date March 19, 2012.

Hon'ble B.S.Verma, J.

(Stay Application No. 2024 of 2012)

Heard learned counsel for the petitioner.

By means of this writ petition, the petitioner has sought a writ in the nature of certiorari quashing the impugned order dated 27-01-2012 passed by the Information Commissioner, Uttarakhand Information Commission, Dehradun in Appeal No. 5624 of 2011 filed by Mr. Surendra Kumar under Section 19(3) of the Right to Information Act, 2005 along with the consequential order dated 13-3-2012 passed by the Managing Director, Uttarakhand Krishi Utpadan Vipran Board, Mandi Bhawan, Rudrapur, Udham Singh Nagar.

By the impugned order, a penalty of Rs. 25,000/- has been imposed upon the petitioner and an amount of Rs. 2,000/- has also been directed to be paid to the applicant towards compensation for not providing the information within time.

According to the petitioner since a letter was received from the State Government to give information, the information was supplied within a period of 28 days. Explanation was offered to this effect to the Public Information Officer concerned.

Learned counsel for the petitioner has contended that the penalty has been imposed against the petitioner de hors the provisions of law.

In the case at hand, this fact has to be scrutinised as to when the letter of the State Government was received by the petitioner and whether delay, if any, on the part of the petitioner to supply the information is deliberate or not, therefore, counter version is necessary.

Issue notice to respondent nos. 1 and 3.

The respondents may file their counter affidavits within a period of six weeks. List thereafter.

Till the next date of listing, the operation of the impugned order dated 27-1-2012 passed by the Information Commissioner as well as consequential order dated 13-3-2012 passed by Managing Director, Uttarakhand Krishi Utpadan Vipran Board (respondent no.2) shall remain stayed. (Stay application stands disposed of.)

RCP

(B.S.Verma,J.)