

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P. (C) 7072/2009, C.M. No.2584/2009

**RAJEEV VERMA Petitioner
Through: Mr. Pradeep Jain with
Ms. Diksha Bhutani, Advocates.**

versus

**UOI and ANR. Respondents
Through: Mr. S.K. Dubey with
Mr. Deepak Kumar, Advocate for UOI.
Mr. K.K. Nigam, Advocate for CIC.**

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

**ORDER
24.02.2009**

Learned counsel for the respondents pointed out that the petitioner did not prefer an appeal and straightaway approached the Central Information Commissioner contrary to the provisions of the Right to Information Act, 2005. Counsel for the petitioner sought liberty to withdraw the Writ Petition and approach the first appellate authority constituted under the Act. He requested that the appeal should be considered on its merits and that the petitioner/applicant should be given appropriate opportunity of being heard. Counsel also contended that the show cause notice dated 24.12.2004 issued by the Directorate of Revenue Intelligence could be relied upon to say that the class of information sought for does not fall within the exemption under Section 8 or is not classified under Schedule 2, Section 24 of the Act. Leave and liberty sought for is granted. In case the petitioner approaches the first appellate authority within four weeks, his appeal shall be considered on its merits after giving appropriate opportunity of hearing, to

present his case, to the petitioner. The first appellate authority shall consider the merits of the submission made on the basis of the materials placed before it and shall not be constrained by the previous discussion of the Central Information Commission in this case.

All rights and contentions of the parties are kept open.

Writ Petition is permitted to be withdrawn but in the above terms.

Order dasti to the parties.

S. RAVINDRA BHAT, J

FEBRUARY 24, 2009

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