

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 10805/2009

UOI Petitioner
Through Mr.S.K.Dubey, Mr.Deepak
Kumar, advocates.

versus

CIC & ANR. Respondents
Through

**CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA**

% **ORDER**
12.08.2009

The only defence and objection raised before Central Information Commission was under Section 8(1)(j) of the Right to Information Act, 2005. No other provision/sub-clause of Section 8(1) of the aforesaid Act was relied upon by the petitioner before the Central Information Commission. In these circumstances, I do not think the petitioner is entitled to rely upon Sections 8(1)(e) or (i) of the Right to Information Act, 2005. The petitioner did not rely upon the Sub-sections (e) and (i) of Section 8(1) before the Central Information Commission. In a writ petition, while exercising power of judicial review the court is concerned with the decision making process and a writ court is not an appellate forum where for the first time section 8 (1) (e) and (i) of the said

Act can be relied upon.

The petition does not question the decision of the Central Information Commission rejecting objection relying upon section 8 (1) (j) of the said Act. In these circumstances, the contentions raised in the present Writ Petition relying upon section 8 (1) (e) and (i) do not merit consideration and the same is dismissed.

sd/

SANJIV KHANNA, J.

AUGUST 12, 2009.

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