

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) No.154 of 2010

UNION OF INDIA

Petitioner

Through: Mr. K.P.S. Kohli, Advocate.

versus

SUNITA DAHAT

Respondent

Through: None

CORAM: JUSTICE S. MURALIDHAR

ORDER

18.08.2010

W.P. (C) No.154 of 2010 and CM No. 307 of 2010 (for stay)

1. The Petitioner Union of India aggrieved by a decision dated 24th August 2009 of the Central Information Commission (CIC) only to the extent that the CIC has ordered that on account of delay in responding to the appeal filed by the Respondent, she should be paid a token compensation of Rs. 5,000/-.

2. The first appeal was filed by the Respondent on 4th December 2007. The said appeal was disposed of by an order dated 20th/24th August 2009 of the Appellate Authority. There is no explanation why an appeal filed on 4th December 2007 was not taken up for consideration prior to 8th August 2009 when for the first time, notice of the hearing for 24th August 2009 was issued. This is the only reason for the CIC to award compensation to the Respondent. The power of the CIC towards compensation is contained in Section 19(8)(b) of the Right to Information Act, 2005 (RTI Act). It is not, as erroneously contended by the Petitioner, a penalty under Section 20 of the RTI Act.

3. Awarding a compensation of Rs.5000/- to the Respondent in the above circumstances can hardly be characterised as exorbitant or unwarranted.

4. Consequently, the writ petition is dismissed. Interim stay is vacated and the application is dismissed.

5. The Respondent has not appeared although she sent a letter urging the grounds for the dismissal of this writ petition. Consequently, the litigation expenses deposited by the Petitioner pursuant to this Court`s order dated 12th January 2010 will be refunded to it by the Registry within two weeks.

**S. MURALIDHAR, J
AUGUST 18, 2010**