



2026:CGHC:20944

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 4697 of 2022**

Jadhav Sagar Ramchandra S/o Shri Jadhav Ramchandra Nagnath Aged About 35 Years Presently Working As Divisional Forest Officer, Forest Division, Sukma, District : Sukuma, Chhattisgarh

... Petitioner(s)**versus**

1 - Chhattisgarh State Information Commission Through - The Commissioner, Sector - 19, North Block, Atal Nagar, Nawa Raipur, Chhattisgarh.

2 - Shri Sharad Singh R/o Flat Number 17, 18, Block - 1, Lalbaug Housing Board Colony, Jagdalpur, District Bastar, Chhattisgarh...

... Respondents

For the Petitioner : Mr. N. Naha Roy, Advocate.

For Respondent No.1 : Mr. Shyam Sunderlal Tekchandani, Advocate.

For Respondent No.2 : None.

Hon'ble Mr. Amitendra Kishore Prasad, Judge**Order on Board****05/05/2026**

1. By way of this petition, the petitioner has prayed for following reliefs:-

“10.1 Issue an appropriate writ and set aside the order dated 07.09.2022 (Annexure P/1), whereby the



second appeal preferred by the respondent No.2 under Section 19(3) of the RTI Act, 2005, has been allowed without affording minimum opportunity of hearing to the petitioner in utter violation of provisions of the RTI Act, 2005 and of natural justice.

10.2. Grant any other relief, which is deemed fit in the circumstances of the case.”

2. Brief facts of the case, are that, the petitioner is presently working as ‘Divisional Forest Officer’ at Forest Division, Sukma, District : Sukuma, Chhattisgarh. Respondent No.2/information seeker filed an application Annexure P-2 dated 24.06.2021 under the Right to Information Act (for short, ‘RTI Act) seeking supply of photocopy of cheque drawn register having the withdrawal and expenses details pertaining to the amount received from the State Campa Account in the financial year 2018-19, to which, the petitioner has responded by a communication letter/reply Annexure P-3 dated 05.07.2021 stating therein that the information sought by respondent No.2 was not specific as no particular work related withdrawal/expenses were mentioned in the alleged application. It has been informed to respondent No.2 that in case he files a new application exactly specifying the particular work related withdrawal/expenses, he will be supplied with the information. Being aggrieved, appellant/respondent No.2 (herein) preferred an first appeal on 11.08.2021 under Section 19 of the RTI Act before the concerned Appellate Authority, which came to be dismissed vide order



Annexure P-5 dated 22.10.2021 on the ground that information sought by respondent No.2 is not specific and the Cheque Drawn Register cannot be supplied in light of Section 6(1)(b) of the RTI Act as the application does not specify the particulars of the information sought by respondent No.2. Against which, respondent No.2 preferred the second appeal on 09.12.2021 before respondent No.1/Chhattisgarh State Information Commission and on the first date of hearing, ie, on 07.09.2022 respondent No.1 passed an adverse order against the petitioner with following direction:

- “1. The petitioner would supply the information sought to respondent No.2 within a period of 30 days by the present incumbent.
2. The loss to the state exchequer in the context would be recovered from the petitioner at the rate of Rs.2.00 per page.
3. The petitioner was then issued with a notice asking to show cause as to why a penalty under Section 20(1) of the RTI Act may not be imposed upon him and his department may not be recommended for a disciplinary enquiry under Section 20(2) of the RTI Act.
4. It was, thereafter, observed if the petitioner failed to file his reply or if the reply is not satisfactory or if the petitioner failed to appear at the next date of hearing, the Appellate Authority shall pass an ex-parte order.

3. The order dated 07.09.2022 was passed by respondent No.1 without affording any opportunity of hearing to the petitioner and even though the order was passed in the first hearing itself, it has recorded conclusions adverse to the petitioner causing civil



consequences to him which is a flagrant infringement of the principles of reasonability as well, thereby compelling the petitioner to approach this Court.

4. Learned counsel for the petitioner submits that since application of appellant/respondent No.2 filed under the RTI Act was vague and lacking in necessary particulars, the information sought could not be furnished and accordingly a reasoned reply to that effect was communicated vide letter Annexure P-3 dated 05.07.2021, however, despite such clarification, the information seeker neither appeared before the concerned authority to file a proper and specific application nor sought for any assistance from the Public Information Officer to obtain the information in accordance with the procedure prescribed under law; it is further submitted that said response of the petitioner was duly affirmed by the First Appellate Authority upon consideration of first appeal preferred by the information seeker and, thereafter, second appeal was filed by respondent No.2 before the State Information Commission; it is contended that the Second Appellate Authority without appreciating the aforesaid factual and legal aspects and without recording any finding to the effect that the petitioner had deliberately or mala fide withheld the information, proceeded to hold that the information had not been supplied and that the provisions of Section 6(2) of the RTI Act were not attracted, and consequently directed furnishing of information alongwith imposition of penalty; it is also submitted that



although an opportunity was purportedly granted to the petitioner in relation to imposition of penalty, the reply submitted by him was not duly considered, and the penalty was imposed mechanically, which is contrary to the settled principles of law and is liable to be set aside. He has placed reliance upon the judgment passed by this Court in the matter of ***Nitin Singhvi vs. Chhattisgarh State Information Commission in WA No. 215/2020*** on 12.6.2023.

5. Learned counsel for respondent No.1 submits that the impugned order has been rightly passed by the State Information Commission, as the petitioner failed to furnish the information sought by the information seeker and incorrectly invoked the provisions of Section 6(2) of the RTI Act; it is contended that the petitioner, being the Public Information Officer, was under an obligation to assist the information seeker by calling him and facilitating the filing of a proper and specific application, which the petitioner failed to do; and therefore, in view of such lapse and non-compliance with the statutory duties, the imposition of penalty by the State Information Commission is justified and in accordance with law.
6. I have heard learned counsel for the parties and perused the material available on record.
7. From the bare perusal of the record, it appears that the application which has been filed by the information seeker is vague and does not disclose the specific information sought, and accordingly, the



Public Information Officer issued a reply/memo Annexure P-3 to the concerned information seeker stating that आपके द्वारा आवेदन में राज्य कैम्पा मद से प्राप्त धनराशि के निकासी एवं खर्च की Cheque drawn registrar की छायाप्रति चाही गई है, जिसमें आपके द्वारा यह Specific तरीके से उल्लेख नहीं किया गया है, कौन से परिक्षेत्र एवं कार्य से संबंधित की छायाप्रति चाही गई है, इसकी विशिष्टियों विनिर्दिष्ट नहीं की गई है, कृपया विशिष्टियों विनिर्दिष्ट करते हुये पृथक से आवेदन करें, जिससे आपको नियमानुसार जानकारी दिया जा सके।"; even if Section 6(2) is not applicable, it has been clearly communicated that the application lacks clarity regarding the specific information required to be furnished by the Public Information Officer, and once such intimation was given, it was incumbent upon the information seeker to approach the concerned authority and file an appropriate and specific application to seek the desired information; however, it appears that the information seeker was not genuinely interested in obtaining the information but was rather inclined towards pursuing appellate remedies, as is evident from the filing of the First Appeal and thereafter the Second Appeal; in such circumstances, where the application itself was vague and incapable of being acted upon, there arose no occasion for furnishing information, and the Second Appellate Authority ought to have afforded a proper opportunity to the petitioner to have the application clarified and thereafter to furnish the information, if required; however, without considering these material aspects, the authority has erroneously concluded that the petitioner deliberately withheld the information and



proceeded to impose penalty, which is not in accordance with law.

8. Considering the aforesaid aspect, the concerned authority ought to have duly considered the provisions contained under Section 20 of the RTI Act, which specifically govern the imposition of penalty; it is well settled that penalty can be imposed only when the statutory conditions prescribed therein are clearly attracted, and unless a definite finding is recorded that the Public Information Officer has, without reasonable cause, refused to receive an application, failed to furnish information within the stipulated time, or has malafidely denied the request, no penalty can be levied; therefore, the State Information Commission cannot impose penalty in a casual or mechanical manner without satisfying the mandatory requirements of Section 20 and without recording cogent reasons to justify such imposition.
9. In view of the aforesaid discussion/observation, the impugned order dated 07.09.2022 (Annexure P/1) is hereby set aside.
10. In the result, the writ petition is hereby **allowed**.

Sd/-
(Amitendra Kishore Prasad)
Judge

J.