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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 25.03.2026

IN THE MATTERS OF:

+ **W.P.(C) 122/2012 & CM APPL. 41127/2018, CM APPL. 8208/2023, CM APPL. 49186/2025**

M.C.D.

.....Petitioner

Through: Mr. Manu Chaturvedi Standing
Counsel for MCD

versus

CHIEF INFORMATION COMMISSION AND ORS

.....Respondents

Through: Mr. Manoj Kr Dwivedi, Mr. Bhupesh
Kumar Pathak & Mr. Ashutosh Kumar
Sharma, Advocates for respondent no.
2.

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+ **W.P.(C) 1786/2025 & CM APPL. 16759/2025**

ANIL DUTT SHARMA

.....Petitioner

Through: Mr. Manoj Kumar Dwivedi and Mr.
Puneet Mishra, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondents

Through: Mr. Manu Chaturvedi Standing
Counsel for MCD.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)



W.P.(C) 122/2012 & CM APPL. 41127/2018, CM APPL. 8208/2023, CM APPL. 49186/2025

1. During the pendency of the instant writ petition, various directions came to be issued by the Court from time to time. The Municipal Corporation of Delhi (MCD) has also placed on record the purported compliance report and takes the position that most of the directions have already been complied with.

2. Mr. Manu Chaturvedi, learned standing counsel appearing on behalf of the petitioner, however, points out that some of the directions have been issued presumably on the ground that in the case of ***Kalyan Sanstha Social Welfare Organization v. UOI and Ors.***¹, the Court had directed for certain compliances. He submits that there are no such directions contained in ***Kalyan Sanstha Social Welfare Organization*** (supra), as has been understood by the Central Information Commission (CIC). He also submits that taking assistance from the CIC's exercise, the MCD made all possible endeavours to undertake a transparent mechanism for the functioning of the Corporation.

3. Mr Chaturvedi, however, submits that in the instant case, the respondent- RTI applicant had approached the CIC under Section 18 of the Right to Information Act, 2005 (the RTI Act). The CIC had, however, assumed jurisdiction under Section 19(8) of the RTI Act, and had issued certain directions to be complied with. According to him, while deciding an appeal under Section 19, though the commission is fully empowered to pass directions under Section 18, the vice versa is not true. Therefore, in a

¹ WP (C) No. 4582/2003 and CM No. 587/2006



complaint under Section 18, the powers exercisable under Section 19(8) ought not to have been invoked. He placed reliance on a decision of the Supreme Court in the case of **Chief Information Commissioner v. State of Manipur & Anr.**²;

“32. We uphold the said contention and do not find any error in the impugned judgment of the High Court whereby it has been held that the Commissioner while entertaining a complaint under Section 18 of the said Act has no jurisdiction to pass an order providing for access to the information.”

4. The submissions made by Mr. Manu Chaturvedi are opposed by Mr. Manoj Kr Dwivedi, learned counsel appearing on behalf of the respondent. He submits that the MCD is under an obligation to comply with the directions passed by the CIC. According to him, it would be of no significance as to under which provision the directions have been issued, so long as the CIC is found to have the jurisdiction to issue the directions. He further contends that though the application was under section 18 of the RTI Act, the CIC is equally empowered to issue the directions under Section 19(8).

5. The Court, however, finds that there are two distinct mechanisms under Section 18 and 19 of the RTI Act. The Commission is fully empowered to issue directions under Section 19(8) while it is entertaining an appeal under Section 19. In the instant case, however, the directions have not been issued while deciding an appeal or while adjudicating appeal proceedings. Instead, the directions seem to have been issued under section 18 of the RTI Act. Under section 18(1)(e), the CIC, inter alia, can only inquire into the complaint of the applicant, who believes that he or she has

² 2011 (15) SCC 1



been given incomplete, misleading or false information under the RTI Act.

6. In **CIC v. State of Manipur** (supra), the Supreme Court, in para 42, has held that Sections 18 and 19 of the Act serve two different purposes and lay down two different procedures and they provide two different remedies. One cannot be substituted for the other.

7. This Court followed suit in **Dr. Deepak Juneja v. Central Information Commission & Ors.**³, whereby it held that for the grant of reliefs laid down under Section 19, the complainant would necessarily have to file an appeal under Section 19. The said reliefs could not have been sought in a complaint filed under Section 18. In **High Court of Delhi v. R.K. Jain**⁴, this Court held that while examining a complaint under Section 18, the CIC has no jurisdiction to direct disclosure of any information.

8. It is, thus, seen that the scope of an inquiry under section 18(1)(e) is limited to the compliance of already existing directions. The grievance of incomplete, misleading or false information can certainly be looked into but the same must relate to the existing directions requiring the public authority to furnish certain information.

9. In the instant case, there does not exist any prior order by the commission and therefore, the power under section 19(8) should not have been exercised. It is a well-known principle that where a statute provides for something to be done in a particular manner, it can be done in that manner alone and all other modes of performance are necessarily forbidden.

10. For the aforesaid reasons, the impugned order deserves to be set aside. The same is accordingly set aside.

³ W.P.(C) 11489/2016

⁴ 2018 SCC OnLine Del 10799



11. The original RTI applicant, however, shall be at liberty to file a fresh application requiring information under the RTI Act, if the same is mandated under the provisions of the RTI Act. If he files appropriate application, the same shall be dealt with in accordance with law.

12. Accordingly, the petition stands disposed of. Pending applications also stand disposed of.

W.P.(C) 1786/2025 & CM APPL. 16759/2025

13. In view of the aforesaid order passed in W.P.(C) 122/2012, the adjudication of this writ petition is not required. Accordingly, petition stands disposed of for the same reasons recorded in W.P.(C) 122/2012.

PURUSHAINDRA KUMAR KAURAV, J

MARCH 25, 2026/ar/ss