

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 11260 of 2021****With****R/SPECIAL CIVIL APPLICATION NO. 11184 of 2021****With****R/SPECIAL CIVIL APPLICATION NO. 11748 of 2021****With****R/SPECIAL CIVIL APPLICATION NO. 11839 of 2021**=====
JAYKUMAR SEVANTILAL SHAH**Versus****GUJARAT INFORMATION COMMISSION THROUGH CHIEF
INFORMATION COMMISSIONER**
=====**Appearance:****MS DRASHTI D SHAH(11443) for the Petitioner(s) No. 1
for the Respondent(s) No. 1,2,3,4,5**
=====**CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL****Date : 02/09/2021****ORAL ORDER**

Heard learned Senior Advocate Mr. B.S. Patel on behalf of learned Advocate Ms. Drashti D. Shah on behalf of the petitioner and learned Assistant Government Pleader Mr. Ishan Joshi for the respondent no.1.

2. By way of this petition, the petitioner working as District Registrar of Co-operative Society, challenges an order passed by the Gujarat Information Commission dated 4.6.2021 interalia on the ground that the Commission holds that the petitioner has been responsible for the delay in supplying the information to the original applicant and furthermore on account of such a finding cost of Rs 15,000/- is sought to be imposed upon the petitioner.

3. Learned Advocate Senior Advocate Mr. Patel submits that while the information sought for by the original applicant could not have been directly

given by the petitioner and whereas on the basis of the law laid down by the Hon'ble Supreme Court in the case of **Thalappalam Service Co-operative Bank Limited and Others Vs. State of Kerala and Ors reported in (2013) 16 SCC 82**, a finding has been given by the learned Commissioner that it was the duty of the petitioner to have gathered information from the bank under liquidation and to have provided the same to the original applicant. Learned Senior Advocate Mr. Patel submits that as such the petitioner has forwarded the application of the original applicant to the liquidator of the Bank concerned for deciding whether information could be granted or not and therefore, it could not be strictly stated that the present petitioner had delayed in issuing the information and on account of such delay such cost be imposed upon the petitioner.

4. Having regard to the submissions made by learned Senior Advocate Mr. Patel, issue **Notice** returnable on 11.10.2021.

5. By way of ad interim relief the impugned order passed by respondent no1 is stayed in so far as the same imposes costs upon the present petitioner.

MARY VADAKKAN

(NIKHIL S. KARIEL,J)