HC-KAR

NC: 2026:KHC:59795
WP No. 3819 of 2024

CNR: KAHC010071632024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA

WRIT PETITION NO. 3819 OF 2024 (GM-RES)

BETWEEN:

THE PUBLIC INFORMATION OFFICER
AND GENERAL MANAGER
MSIL, HOUSE NO.36
M.S.I.L, CUNNINGHAM ROAD
BENGALURU-560 052

…PETITIONER

(BY SRI: B S GAUTHAM, ADVOCATE)

AND:

1. SRI. ANJANAMURTHY A
   NO.25, SHOPPING STREET
   KUMAR PARK WEST
   BENGALURU-560 020

2. KARNATAKA INFORMATION COMMISSION
   MAHITI SOUDHA
   DEVRAJ URS ROAD
   BANGALORE-560 001
   REP BY ITS COMMISSIONER

3. THE FIRST APPELLATE OFFICER AND
   MANAGING DIRECTOR, MSIL
   CUNNINGHAM ROAD-560 052

…RESPONDENTS

(BY SRI: G B SHARATH GOWDA, ADVOCATE FOR R2)

Digitally signed by
PREMCHANDRA M R
Location: HIGH
COURT OF
KARNATAKA

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 06.12.2023 IN CASE NO.KA.MA.AA/695/APL/2023 ON THE FILE OF STATE INFORMATION COMMISSION, AT BENGALURU A COPY OF WHICH IS PRODUCED AT ANNEXURE-H.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE T.P.VIVEKANANDA

ORAL ORDER

The petitioner is before this Court challenging the order dated 06.12.2023 passed by the State Information Commission at Annexure-H imposing penalty of Rs.25,000/- payable by the petitioner on the ground that there is a delay of 240 days in furnishing the information to respondent No.1 - the RTI applicant.

2. It is the contention of the petitioner that respondent No.1 had filed an application under RTI Act on 26.05.2022 seeking the following information:

> *"1) Provide copy of the Government approval for creating Director (Marketing) post in MSIL during the calender year 2021-2022.*

2) Provide copy of the promotion order issued by Managing Director for Director (Marketing) post in the month of April 2022-2023."

3. Since the information sought by respondent No.1 was not within the hands of the petitioner herein, the petitioner had called upon the concerned to provide the information by inter office note dated 30.05.2022. The officer who was required to furnish the information has made available the same to the petitioner on 26.07.2022 and the petitioner has forwarded the information to respondent No.1 on 28.07.2022 as per Annexure-E. Being dissatisfied with the information furnished by the petitioner, respondent No.1 has filed an appeal before the First Appellate Authority. The appeal filed by respondent No.1 was rejected by the First Appellate Authority. It is thereafter, respondent No.1 had approached respondent No.2 - Commission under Section 19(3) of the RTI Act. The Commission, at the time of conducting the proceedings had issued Show Cause Notice to the petitioner calling upon him to show cause as to why a penalty of Rs.25,000/- shall not be imposed for delay in furnishing the information.

4. In response to the same, the petitioner has submitted his reply on 18.10.2023. It is the contention of the petitioner that in the reply to the show cause notice, the petitioner has stated that the very same RTI applicant i.e., respondent No.1 herein has filed 62 applications under the RTI Act between 25.04.2022 till 29.08.2022 and substantial number of applications have been disposed of furnishing the information sought by respondent No.1. Even in respect of the application in question, the information has been furnished on 28.07.2022 itself. Therefore, there is no inordinate delay in furnishing the information for imposition of penalty. It is the assertion of the petitioner that none of the reasons assigned by the petitioner in response to the show cause notice have been considered by respondent No.2 - Commission while passing the impugned order.

5. It is noticed that in the present petition, though notice was issued to respondent No.1, despite service of notice, he remained unrepresented.

6. Learned counsel appearing for respondent No.2 - Commission submits that the Commission is justified in

imposing the penalty of Rs.25,000/- noticing the delay of 240 days in furnishing the information. Therefore, no interference is required to the impugned order.

7. Upon hearing the learned counsel for the petitioner, so also, learned counsel for respondent Nos.2 and 3 and on perusal of the writ petition papers, more particularly, the order impugned, it is seen that the reply to the show cause notice issued to the Commission has not been considered in proper perspective. The reason assigned by the petitioner for the short delay in furnishing the information, namely, the very same RTI applicant i.e., respondent No.1 has filed 62 applications and substantial number of applications have been considered and information are furnished. The information sought in the application, which is the subject matter of the present writ petition is concerning an appointment of Director (Marketing) in the year 2021-2022 and the said information does not pertain to the services of respondent No.1, who was also an employee of MSIL.

8. It is submitted at the Bar that respondent No.1 was a Union leader in the establishment of MSIL. By looking to the

conduct of respondent No.1 in filing 62 applications within a span of about 2 months, a reasonable inference could be drawn that there is no bonafides in the conduct of respondent No.1 in filing the application after the application by misusing the provision of the RTI Act. The object of enactment of RTI Act is for obtaining information from the public authority for valid and genuine purpose. But now-a-days, it is seen the RTI Act is being used to harass the Public Information Officers for extraneous reasons with oblige motive.

9. On the overall consideration of the grounds urged by the petitioner and on noticing the circumstances under which the order impugned is passed, this Court is of the considered view that there is no gross negligence or inordinate delay in furnishing the information by the petitioner so as to impose the penalty of Rs.25,000/-. Taking note of the facts and circumstances of the present case and noticing filing of repeated applications under the RTI Act by the very same applicant before the very same petitioner, it is a fit case to set aside the order of imposition of penalty.

10. In the result, the following:

ORDER

(i) The writ petition is ***allowed.***

(ii) The order dated 06.12.2023 in Case No.Ka.Ma.Aa/695/APL/2023 passed by respondent No.2 at Annexure-H, insofar as directing the petitioner to pay the penalty of Rs.25,000/- is set aside.

Sd/-
(T.P.VIVEKANANDA)
JUDGE

BGN
List No.: 1 Sl No.: 31