



CGHC010123632022



2026:CGHC:27699

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 1745 of 2022**

1 - Kaushlendra Kumar S/o Shri Rajendra Prasad Singh Aged About 54 Years O/o Chhattisgarh Rajya Van Vikas Limited, Sector 24, Office Complex, Block 8, Naya Raipur, Atal Nagar Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

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

1 - State Of Chhattisgarh Through - The Secretary, Forest Department, Naya Raipur, Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2 - State Information Commission, Through - Chief Information Commissioner, Chhattisgarh State Information Commission Naya Raipur, District Raipur Chhattisgarh.

3 - The Principle Chief Conservator Of Forest Aranya Bhawan, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh.

4 - Shri Nitin Singhvi S/o Mr. Singhvi, Aged About 55 Years R/o Mig 59, Sector 1, Shankar Nagar, Raipur, District - Raipur Chhattisgarh.

5 - Public Information Officer, Office Of Principle Chief Conservator Of Forest (Wild Life), Aranya Bhawan, Atal Nagar, Naya Raipur, District



Raipur

Chhattisgarh.

6 - Kammod Razak, Administrative Officer, O/o Pccf (Wildlife), Aranya Bhawan, Sector 19, Naya Raipur, Atal Nagar, District Raipur Chhattisgarh.

... Respondents

(Cause-title taken from the Case Information System)

For Petitioner :- Mr. Akash Pandey, Advocate
For State :- Mr. Anand Dadariya, Dy. A.G.
For Respondent No.2 -Mr. Shyam Sunder Lal Tekchandani, Advocate
For Respondent No. 4 :- Ms. Priyanka Bajpai, Advocate on behalf of
Mr. Saurabh Dangi, Advocate
For Respondent No.6 :- Mr. Saket Pandey, Advocate

SB-Hon'ble Shri Justice Amitendra Kishore Prasad

Order on Board

06.07.2026

1. By way of this petition, the petitioner assails the order dated 21.09.2021 passed by respondent no. 2 whereby a penalty of Rs.25,000/- has been imposed upon the petitioner under Section 20(1) of the Right to Information Act, 2005, on the premise that the petitioner, while functioning as First Appellate Authority, is a deemed Public Information Officer and had allegedly failed to furnish satisfactory information in proceedings arising out of an RTI application relating to wild buffaloes, despite the fact that the petitioner had duly conducted the first appeal proceedings in accordance with law by issuing notices to the concerned Public



Information Officer and the appellant, granting adequate opportunities of hearing, and passing a reasoned order on the basis of material available on record, while also taking the stand that the information sought was not within his jurisdiction as it pertained to a different office, and hence the imposition of penalty and initiation of proceedings treating the petitioner as deemed PIO is wholly illegal, arbitrary and unsustainable in law.

2. Facts of the case are that respondent no. 4 had sought information under the RTI Act regarding wild buffaloes and related communications from the State of Assam to the State of Chhattisgarh, to which the Public Information Officer replied that no such records were available, and advised filing of first appeal before the petitioner who was then the Chief Conservator of Forest (Eco Tourism); the petitioner, acting as First Appellate Authority, issued notices to the parties, fixed multiple dates of hearing including 10.10.2019, 14.10.2019 and 22.10.2019, but the appellant remained absent, and thereafter disposed of the first appeal on the basis of available record; however, in second appeal before the State Information Commission, the petitioner was wrongly treated as deemed PIO and a penalty of Rs.25,000/- was imposed upon him vide order dated 21.09.2021 despite exoneration of the actual PIO, leading to the present petition.
3. Following reliefs have been prayed in this petition:-



“10.1 To call for the records of the case for the kind perusal of this Hon'ble Court.

10.2 To issue an appropriate writ or order and declare that the order dated 21.09.21 (Annexure P-1) passed by respondent no.2 is bad in law.

10.3 To issue an appropriate writ or order and quash the order dated 2109.21 (Annexure P-1) passed by respondent no.2 and further to quash any recovery proceedings on the basis of Annexure P-1 in the interest of justice.

10.4 Any other relief deemed fit in the facts and circumstances of the case may also be granted.”

4. Learned counsel for the petitioner submits that that the impugned order dated 21.09.2021 is wholly illegal, arbitrary and unsustainable in law, having been passed without proper application of mind and in complete violation of the principles of natural justice. It is further submitted that the State Information Commission has failed to record any finding of malafide intention, which is a sine qua non for imposition of penalty under Section 20 of the RTI Act, 2005, and has mechanically imposed penalty upon the petitioner despite the fact that he was only acting as First Appellate Authority and not the Public Information Officer. It is also submitted that the Commission has misdirected itself by treating the petitioner as a deemed PIO and by proceeding under Section 18 instead of properly adjudicating the matter under Section 19,



thereby exceeding its jurisdiction. Hence, it is submitted that the impugned order is liable to be set aside.

5. Learned State Counsel submits that the present writ petition is devoid of merits and is liable to be dismissed as the impugned order dated 21.09.2021 has been passed by the competent authority i.e. the State Information Commission after due consideration of the record and material available before it, and in accordance with the provisions of the Right to Information Act, 2005. It is further submitted that the petitioner has been granted due opportunity of hearing and the principles of natural justice have been duly complied with, and merely because the petitioner disagrees with the findings recorded by the Commission, the same cannot be a ground for interference under Article 226 of the Constitution of India. It is also submitted that the petitioner, having participated in the proceedings and being concerned with the subject matter, cannot now take the plea of lack of jurisdiction or procedural irregularity, and therefore no interference is warranted with the impugned order.
6. Learned counsel for respondent no. 4 submits that the present writ petition is wholly misconceived, devoid of merits, and deserves to be dismissed in limine, as the impugned order dated 21.09.2021 has been passed by the competent statutory authority i.e. the State Information Commission after due consideration of the facts, record, and reply submitted by the petitioner, and upon



arriving at a clear finding that the petitioner, being responsible in the capacity as First Appellate Authority/Deemed Public Information Officer, failed to ensure proper disclosure of information under the RTI Act, 2005. It is further submitted that once the competent authority has recorded a finding of default and initiated penalty proceedings under Section 20 of the Act, the same is a statutory consequence of such finding, and does not suffer from any illegality or procedural irregularity warranting interference under Article 226 of the Constitution of India. It is also submitted that the petitioner was afforded adequate opportunity of hearing and the principles of natural justice have been duly complied with, and therefore the impugned order being reasoned and based on material on record calls for no interference.

7. Learned counsel for respondent no. 6 submits that the present writ petition is misconceived and liable to be dismissed, as the impugned order dated 29.09.2021 passed by the State Information Commission is a reasoned and speaking order passed after due consideration of the material available on record, wherein the petitioner has been rightly held responsible for non-supply of correct information under the RTI Act, 2005. It is further submitted that the petitioner, being the competent authority and also discharging duties as Link Officer/concerned Public Information Officer in the office of the Principal Chief Conservator of Forest (Wild Life), was under a statutory obligation to ensure proper disclosure of information, which was not complied with,



resulting in denial of information to the applicant. It is also submitted that the penalty imposed under Section 20 of the RTI Act is a lawful consequence of such failure, and the contention raised by the petitioner seeking interference with the impugned order is without any merit.

8. I have heard learned counsel for the parties and perused the material available on record.
9. The sole question for consideration is whether the petitioner, who admittedly functioned as the First Appellate Authority under the Right to Information Act, 2005, could be treated as a deemed Public Information Officer and subjected to penalty under Section 20(1) of the Act.
10. The impugned order proceeds on the assumption that the petitioner was a deemed Public Information Officer and imposes a penalty of Rs.25,000/- under Section 20(1). However, the order records no finding as to how the petitioner satisfied the statutory requirements of Sections 5(4) and 5(5) of the Act.
11. Under Sections 5(4) and 5(5), an officer can be treated as a deemed Public Information Officer only if the designated Public Information Officer has sought his assistance. In the present case, there is no material to show that such assistance was ever sought or that the petitioner was entrusted with the responsibility of



furnishing information. Merely acting as the First Appellate Authority does not attract the deeming fiction under Section 5(5).

12. It is also significant that the designated Public Information Officer has not been held liable, whereas the entire penalty has been imposed upon the petitioner without recording any legally sustainable reason. Further, the impugned order does not record satisfaction regarding any of the statutory ingredients of Section 20(1), namely refusal, delay, malafide denial, furnishing incorrect information, destruction of records or obstruction in providing information.
13. The law laid down by the Hon'ble Supreme Court in ***Manohar v. State of Maharashtra (2012) 13 SCC 14, Chief Information Commissioner v. State of Manipur (2011) 15 SCC 1 and Kranti Associates v. Masood Ahmed Khan (2010) 9 SCC 496*** makes it clear that penalty under Section 20 is penal in nature, the statutory conditions must be strictly fulfilled, and reasons must be recorded while rejecting the explanation of the noticee. The impugned order fails to satisfy these requirements.
14. In view of the above, this Court is of the considered opinion that the State Information Commission erred in treating the petitioner as a deemed Public Information Officer without satisfying the mandatory requirements of the Act. The impugned order suffers from non-application of mind, misinterpretation of the



statutory provisions and violation of the principles of natural justice.

15. Accordingly, the writ petition is **allowed**. The order dated 21.09.2021 passed by the State Information Commission imposing penalty of Rs.25,000/- upon the petitioner under Section 20(1) of the Right to Information Act, 2005 is quashed and set aside. Consequently, all consequential proceedings, including recovery proceedings, if any, shall also stand quashed.

16. No order as to costs.

sd/-
(Amitendra Kishore Prasad)
Judge

Vishakha