



CGHC010127192024



2026:CGHC:39042

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 2353 of 2024**

Radhika Sidar W/o Kedarnath Sidar, Aged About 34 Years R/o Pussore, District-
Raigarh (C.G.)

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

1 - Chhattisgarh State Information Commission, Through State Chief Information
Commissioner, Raipur, Chhattisgarh, 1st Floor, Indrawati Khand, Shashtri Chowk,-
Motibagh Chowk Rd, Civil Lines, Raipur, Chhattisgarh 492001

2 - State Information Commissioner, 1st Floor, Indrawati Khand, Shashtri Chowk-
Motibagh Chowk Rd, Civil Lines, Raipur, Chhattisgarh 492001

3 - First Appeal Officer, Chief Executive Officer, Janpad Panchayat Pussore, District
Raigarh (C.G.)

4 - Akash Bairagi, S/o Parasmani Bairagi Aged About 44 Years R/o Gobarsingha
Sariya Tahsil And Post Barmkela District - Raigarh (C.G.)

... Respondent(s)

For Petitioner(s) : Mr. Praveen Kumar Jain, Advocate

For Respondent : Mr. Shyam Sunder Lal Tekchandani, Advocate

No.1

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad**Order on Board**

03/09/2026

1. This petition is filed against the impugned order dated 7.11.2023 passed by the Chhattisgarh State Information Commission in Second Appeal No.C/2215/2022/Raigarh.
2. Brief facts of the case are respondent No. 4 submitted an application dated 25.1.2022 under Section 6(1) of the Right to Information Act, 2005 (hereinafter referred to as 'the RTI Act') seeking information regarding the achievements, goals, debit and credit account statements, bank statements of funds, list of ODPF declared villages under the Gram Panchayat, and certified copies of beneficiary utility certificates from the Financial Year 2014-15 to 2020-21 of Gram Panchayat Pachheda, Subsequently, respondent No. 4 filed a First Appeal on 15.03.2022 before the First Appellate Authority, alleging that the petitioner had refused to provide the requested information. Respondent No. 4 also filed a complaint alleging that the First Appellate Authority failed to pass an order on the appeal, thereby requesting proceedings under Section 18 of the RTI Act. Respondent No. 4, being dissatisfied with the non-disposal of the First Appeal, filed a Second Appeal before the State Information Commission, registered as Second Appeal Case No. C/2215/2022/Raigarh. The petitioner came to know about the pendency of the said proceedings at a later stage, wherein by order dated 18.01.2023, a show-cause notice was

issued calling for a reply from the petitioner. The petitioner appeared before Respondent No.1 and stated that the RTI application in question was never served upon or received by her, due to which the requested information could not be furnished in time. The petitioner submitted a detailed reply clarifying this non-receipt on 30.10.2023. Respondent No. 2, vide impugned order dated 07.11.2023 erroneously held that information was withheld without reasonable cause and imposed a penalty of Rs.25,000/- upon the petitioner under Section 20(1) of the RTI Act.

3. Learned counsel for the petitioner submits that in complete disregard of the statutory procedure mandated under Section 20(1) of the Right to Information Act, 2005 (in short “the RTI Act”), the impugned penalty has been imposed upon the petitioner without recording any finding of malafide intent on the part of the petitioner/Public Information Officer. He submits that the petitioner committed no deliberate act to withhold the information sought.
4. Per contra, learned counsel for respondent No.1-State Information Commission submits that the impugned order was passed by the Commission after issuance of show cause notice to the petitioner and receipt of the reply, which does not warrant any interference by this Court.
5. Heard learned counsel for the parties and also perused the documents annexed with the petition.
6. Under Section 20 of the RTI Act, the imposition of penalty or a recommendation of disciplinary action requires a categorical finding that the documents were withheld due to the deliberate

and malafide acts of the Public Information Officer. Unless such a finding is recorded in the order supported by cogent reasons, the imposition of penalty is unsustainable in law.

7. Considering the facts and circumstances of the case, this Court is of the opinion that there is a complete absence of malafide or deliberate failure on the part of the Public Information Officer. Unless malafide intent and deliberate non-compliance are firmly established by the State Information Commission, a principle well settled by the Hon'ble Supreme Court in the matter of **Manohar S/o Manikrao Anchule Vs. State of Maharashtra and another** reported in **(2012) 13 SCC 14**, the penalty cannot be sustained.
8. Consequently, the Petition is **allowed** and the impugned order dated 7.11.2023 imposing penalty on the petitioner, is hereby set-aside.
9. With the aforesaid observations/directions, the Petition is finally disposed of.

Sd/-

(Amitendra Kishore Prasad)
Judge