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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 8959/2020**

S R DASS Petitioner

Through Mr. Aditya Jain, Adv.

versus

CPIO AND NODAL OFFICER AND ANR Respondents

Through Mr.Aman Singh Bakshi, Adv. for
Mr.Gaurang Kanth, SC for R-1.

Mr.Puneet Taneja, Mr.Manmohan
Singh Narula, Advs. for R-2 and 3.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **11.11.2020**

1. This hearing has been held by video conferencing.
2. This petition has been filed challenging the order dated 20.04.2020 passed by the learned Central Information Commission (CIC) on Second Appeal No:-CIC/GAILD/A/2018/631935-BJ.
3. The petitioner had filed an application under the Right to Information Act, 2005, *inter-alia* seeking the following information:

“3. Whether the lowest bidder has submitted the required certificates/testimonials to meet the technical terms and conditions to achieve qualifying criteria? If so, please provide copies of the same.”

4. Pursuant to the order passed by the learned First Appellate Authority, the respondent no.1 had submitted the following information to the

petitioner:

“2. Sequel to compliance on the appeal disposal order dated 09.08.2018, it is intimated that for point no. 03, the inputs/ information provided by Process Owner on 21.04.2018 is complete and no further explanation/ reasons can be given in this regard since the bidder is not technically qualified, as reported. Further, CPIO, is replying/ processing the RTI applications, keeping in view the provisions under the Statute.”

5. Aggrieved of the same, the petitioner had filed the Second Appeal. In the Second Appeal, the respondents had taken a plea that L-1 bidder was technically qualified and had submitted all documents, however, the same cannot be disclosed and are rather exempted from disclosure under Section 8(1)(d) of the Act.

6. The Impugned Order, after recording the above submission of the respondents, proceeds to decide the Appeal as under:

“Keeping in view the facts of the case and the submissions made by both the parties, the Commission directs the CPIO to explain the updated status to the Appellant in accordance with the provisions of the RTI Act, 2005 within a period of 30 days from the date of receipt of this order depending upon the condition for containment of the Corona Virus Pandemic in the Country.

The Appeal stands disposed accordingly.”

7. The learned counsel for the petitioner submits that the Impugned Order does not decide the Appeal and leaves the matter again to the respondents.

8. The learned counsels for the respondents, however, again reiterates

that the documents of a third party are exempted from disclosure under Section 8(1)(d) of the Act. They submit that a reply on the similar terms had also been issued to the petitioner vide letter dated 24.01.2020.

9. Without going into the merits of the submissions made, as the Impugned Order has not discussed the above issue and has, in a cryptic manner, disposed of the Appeal in form of a direction as reproduced hereinabove, in my opinion, it is a fit case where the Impugned Order be set aside and the matter be remanded back to the learned CIC for deciding the Appeal on merits and in accordance with the law.

10. It is ordered accordingly.

11. The respondents shall be entitled to place the letter dated 24.01.2020 on record before the learned CIC and make submissions based thereon on this remand.

12. The petition is disposed of.

NAVIN CHAWLA, J

NOVEMBER 11, 2020/Arya