

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN  
AT JAIPUR BENCH JAIPUR

(1) S.B. CIVIL WRIT PETITION NO.6007/2010

1. Public Information Officer, Rajasthan State Co-operative Marketing Federation Limited, 4 Bhawani Singh Road, Jaipur.

2. Appellate Authority, Rajasthan State Co-operative Marketing Federation Limited, 4 Bhawani Singh Road, Jaipur.

.....Petitioners.

VERSUS

1. Dr. Yadunath Dashanan, resident of 219-A, Vivek Vihar, New Sanganer Road, Jaipur (Rajasthan)

2. State Information Commission through Chief Information Commissioner, Harish Chandra Mathur Rajasthan State Public Administration Institute (OTS), Jawahar Lal Nehru Marg, Jaipur 302 017

.....Respondents.

(2) S.B. CIVIL WRIT PETITION NO.6008/2010

1. Public Information Officer, Rajasthan State Co-operative Marketing Federation Limited, 4 Bhawani Singh Road, Jaipur.

2. Appellate Authority, Rajasthan State Co-operative Marketing Federation Limited, 4 Bhawani Singh Road, Jaipur.

.....Petitioners.

VERSUS

1. Dr. Yadunath Dashanan, resident of 219-A, Vivek Vihar, New Sanganer Road, Jaipur (Rajasthan)

2. State Information Commission through Chief Information





Commissioner, Harish Chandra Mathur Rajasthan State Public  
Administration Institute (OTS), Jawahar Lal Nehru Marg, Jaipur  
302 017

.....Respondents.

(3) S.B. CIVIL WRIT PETITION NO.4869/2010



1. Public Information Officer, Rajasthan State Co-operative  
Marketing Federation Limited, 4 Bhawani Singh Road, Jaipur.

2. Appellate Authority, Rajasthan State Co-operative Marketing  
Federation Limited, 4 Bhawani Singh Road, Jaipur.

.....Petitioners.

VERSUS

1. Dr. Yadunath Dashanan, resident of 219-A, Vivek Vihar, New  
Sanganer Road, Jaipur (Rajasthan)

2. State Information Commission through Chief Information  
Commissioner, Harish Chandra Mathur Rajasthan State Public  
Administration Institute (OTS), Jawahar Lal Nehru Marg, Jaipur  
302 017

.....Respondents.

DATE OF ORDER : 15/11/2016

HON'BLE MR. JUSTICE M.N. BHANDARI

Mr. J.K. Singhi, Sr. Adv. with Mr. Saurabh Jain & Mr. Tarun Verma,  
for petitioner/s

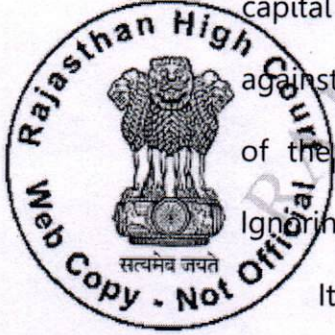
None present for respondent/s

By these writ petitions, a challenge is made to the order  
dated 11<sup>th</sup> January, 2010 passed by the Chief Information  
Commissioner, Jaipur.

An application was filed by the applicant-respondent



No.1 under the Right to Information Act, 2005 (in short "**the Act of 2005**") to seek certain documents. It was from a cooperative society not covered in the definition of "public authority" as defined under Section 2(h) of the Act of 2005. The capital investment of the petitioner-society is less than 20% as against the capital of more than Rs.16 crore. The involvement of the State Government is only for Rs.3 crore and odd. Ignoring the aforesaid, the application has been decided.



It is further submitted that information sought was otherwise protected by Section 8(e) of the Act of 2005. No public interest exists for providing copies of the documents sought by the applicant-non-petitioner No.1. In view of above, impugned order may be set aside.

None appears on behalf of respondent No.1 despite service of notice.

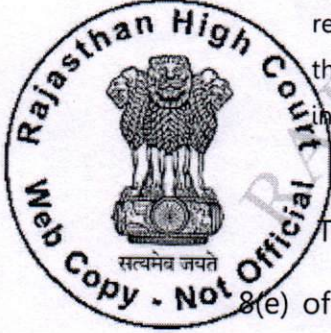
I have considered the submission made by learned counsel for petitioners and find that while passing the order in the appeals, the appellate authority has discussed about the definition of "public authority" and it was held that though the capital involvement of the State in the cooperative society is less than 50% but it still falls in the definition of "public authority" as defined under Section 2(h) of the Act of 2005.

The issue regarding Section 8(e) of the Act of 2005 has



not been raised and determined. The legal issue aforesaid has been raised for the first time before this court. Section 8(e) of the Act of 2005 is quoted hereunder for ready reference:

"8(e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information."



The perusal of application to seek documents and Section 8(e) of the Act of 2005, I find no declaration that documents sought are otherwise required in public interest.

In view of above, I do not find that order passed by the appellate authority can be maintained. It is moreso when none is contesting the writ petitions despite service of notice and is pending since 2010. It seems that applicant-respondent No.1 has lost his interest as despite service, he has not appeared before the court. In the light of the aforesaid, impugned order dated 11<sup>th</sup> January, 2010 passed by the Chief Information Commissioner, Jaipur is set aside.

The writ petitions are allowed with the aforesaid. A copy of this order be placed in each connected file.

[M.N.BHANDARI], J.