



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

PUBLIC INTEREST LITIGATION (L) NO. 3143 OF 2020

Shailesh Gandhi & Ors. } **Petitioners**
versus
Maharashtra State Information }
Commission & Ors. } **Respondents**

Mr. Sunil K. Ahya for the petitioner.

Ms. Seema Chopda for respondent no. 1.

Ms. Jyoti Chavan, Additional Government
Pleader for State.

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**

DATE: 13th DECEMBER 2023

P.C.:

1. This PIL petition concerns itself with more efficient functioning of the State Information Commission. Submission made by learned counsel for the petitioners primarily is that disposal of second appeals, being preferred before the Commission, takes much time, which ultimately results in frustrating the information seeker. It has, thus, been prayed that direction may be issued to the respondent-Commission to chalk out a road-map so that the second appeals and complaints being preferred before the Commission are disposed of within 45 (forty-five) days.

2. Learned counsel representing the Commission, however, submits that in the Right to Information Act, 2005 (hereafter referred to as "the RTI Act"), though time, within which the complaint or first appeal is to be disposed of, is prescribed,

however, the legislature has not prescribed any time limit for the Information Commission to dispose of the complaints/second appeals. She has, however, submitted that all efforts have been made at the end of the Commission to ensure timely disposal of the matters being brought before the Commission.

3. There cannot be two views about efficient functioning of the Commission and desirability of early disposal of the second appeals and the complaints being brought before it. It is also true that the statutory framework, within which the information is being sought and provided by the Commission under the RTI Act, does not contain any prescription, however, there cannot be any doubt that even in absence of any such statutory prescription, the Information Commission is expected to dispose of the matters coming before it within some reasonable time. Hon'ble Calcutta High Court in **Writ Petition No.11933 of 2010 (Akhil Kumar Roy vs. the West Bengal Information Commission and Ors.)**, decided on 7th July 2010 has held that the second appellate authority, i.e., the Commission should decide the second appeals within 45 days from the date of filing.

4. Learned Additional Government Pleader, on the basis of instructions, states that all the vacancies in the State Information Commission, including the office of the Chief Information Commissioner, shall be filled in by the first week of February 2024. We, thus, hope and trust that the vacancies in the Commission shall be filled in accordingly by the first week of February 2024.

5. Once the Commission starts functioning with full strength, including the office of the Chief Information Commissioner, it would be appropriate for the Commission to evolve and work

out certain norms for more efficient and better functioning of the Commission, which will include chalking out some reasonable time limit, within which complaints and second appeals being brought before it, are to be decided.

6. We, thus, direct that a copy of this order shall be placed before the Chief Information Commissioner, who shall take appropriate steps to formulate some reasonable time limit and prescribe the same for early disposal of the second appeals and complaints. On the next date of listing learned counsel representing the State Information Commission shall apprise the Court of the steps which might be taken by the Commission for ensuring the compliance of this order.

7. Stand over to **6th March 2024.**

JAYANT
VISHWANATH
SALUNKE

Digitally signed by
JAYANT VISHWANATH
SALUNKE
Date: 2023.12.14
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(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)