

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6143 OF 2021  
Arising out of SLP (C) No. 15792 of 2019

UNION OF INDIA

Appellant(s)

VERSUS

CENTRAL INFORMATION COMMISSION & ANR.

Respondent(s)

O R D E R

Leave granted.

Heard the learned counsel appearing for the parties.

By the impugned order, the High Court, by way of an interim order, has directed the appellant to furnish the information sought for like Seniority List and DPC etc. which are sought under the provisions of the Right to Information Act ('RTI Act' for short). It was/is the specific case on behalf of the Department that the RTI Act was not applicable to the Organization/Department. Despite the above and without deciding such an objection, the High Court has directed the appellant to furnish the documents sought under the RTI Act without deciding the applicability of the RTI Act. That will be putting the cart before the horse. The High Court ought to have decided the issue with respect to the applicability of the RTI Act to the Organization/Department first.

Under the circumstances, the impugned order passed by the High Court in C.M No. 54608 of 2018 in LPA No. 734 of 2018 is hereby quashed and set aside. We direct the High Court to decide first the issue with respect to the applicability of the RTI Act to the

appellant organization/department and thereafter decide the stay application/LPA. The aforesaid exercise shall be completed within a period of eight weeks from today.

The present Appeal is partly allowed to the aforesaid extent.

No costs.

..... J.  
(M.R. SHAH)

..... J.  
(A.S. BOPANNA)

New Delhi;  
October 01, 2021.

ITEM NO.22                      Court 13 (Video Conferencing)                      SECTION XIV

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 15792/2019

(Arising out of impugned final judgment and order dated 21-12-2018  
in LPA No. 734/2018 passed by the High Court Of Delhi At New Delhi)

UNION OF INDIA

Petitioner(s)

VERSUS

CENTRAL INFORMATION COMMISSION & ANR.

Respondent(s)

IA No. 91237/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT

Date : 01-10-2021 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH  
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s)    Mr. Sanjay Jain, ASG  
                                 Mr. Mukesh Kumar Maroria, AOR  
                                 Mr. Rajat Nair, Adv.  
                                 Mr. Akshay Amritanshu, Adv.  
                                 Mr. Sughosh Subramanyam, Adv  
                                 Mr. Adit Khorana, Adv.

For Respondent(s)    Mr. Harsh Singhal, Adv.  
                                 Mr. O.P. Singh, Adv.  
                                 Mr. Vivek Sharma, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The present Appeal is partly allowed in terms of the signed  
order.

Pending applications, if any, stand disposed of.

(R. NATARAJAN)  
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)  
BRANCH OFFICER

(Signed order is placed on the file)