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

+ W.P.(C) 5110/2019

Date of Decision: **17.03.2026**

IN THE MATTER OF:

DR. ADLA SATYA NARAYAN RAOPetitioner

Through: Mr. Shikhar Garg, Advocate.

versus

UNION OF INDIA AND ANR.Respondents

Through: Ms Pratima N Lakra, CGSC for R-1.
Mr. Rohan P Shah, Sr. Advocates
with Mr. Srisabrish, Ms. Anusha
Nagarajan, Mr Rahul Ranjan, and Ms
Carina Arora, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

J U D G E M E N T

PURUSHAINDR KUMAR KAURAV, J. (ORAL)

1. The petitioner seeks to challenge the order dated 14.11.2018 passed by the Central Information Commission (CIC), order dated 10.01.2017 by the First Appellate Authority (FAA) and Order dated 02.09.2016 passed by the Central Public Information Officer (CPIO) (hereinafter '**the impugned decisions**').

2. The impugned orders arise out of the petitioner's application dated 13.08.2016 seeking complete file along with all documents pertaining to the



application by Bharat Serums & Vaccines Ltd. submitted for market authorization registration for the purpose of manufacturing and sale of "Rhoclone" in India.

3. The aforesaid application dated 13.08.2016 was rejected by the CPIO *vide* order dated 02.09.2016. Against the said order, the first appeal was dismissed on 10.01.2017 and the second appeal has been dismissed by the impugned order dated 14.11.2018, therefore, the petitioner is before this Court.

4. Mr. Shikhar Garg, learned counsel appearing for the petitioner challenges the impugned order mainly on the following grounds:

- (i) Section 10 of the Right to Information Act ("RTI Act") provides that where any part of the information sought is exempt under Section 8, the exempted information is required to be severed and the remaining information is to be disclosed.
- (ii) Impugned orders are non-speaking as no specific reasons for invoking the exemptions under Section 8(1)(d) and (e) of the RTI Act are assigned.
- (iii) Furnishing of the information sought, is, in the larger public interest as the same pertains to public records and, therefore, cannot be deemed to be confidential.

5. In order to substantiate the submissions, Mr. Garg has placed on record his written submissions. He submits that public interest is involved as there are concerns *qua* the safety and efficacy of Rhoclone, a monoclonal anti-D immunoglobulin. He places reliance on various studies and submits that as per Sections 8 and 16 of the Drug and Cosmetics Act, 1940, the drug to be marketed should be of a certain quality as per the Second Schedule to



the Drugs and Cosmetics, Act, 1940.

6. While placing reliance on a decision passed by the Supreme Court in the case of *TMA Foundation vs. State of Karnataka*¹, he submits that the public interest is wide expression, and its meaning must be ascertained in the context in which it is used. Reliance is also placed on the decision in the case of *Electronics Corporation of Tamil Nadu vs. Tamil Nadu Information Commission*². He also submits that the information sought by the petitioner could have been severed, as provided under Section 10 of the RTI Act. In order to substantiate his submissions that Section 8(1)(d) of the RTI Act would have no application, he places reliance on the decision passed by the Supreme Court in the case of *Reserve Bank of India & Ors. vs. Jayantilal N. Mistry & Ors.*³; *Central Board of Secondary Education & Anr. vs. Aditya Bandopadhyay & Ors.*⁴.

7. In order to substantiate submission that the information sought by the petitioner is neither in commercial confidence nor is a trade secret, he places reliance on a decisions in the cases of *Bhagat Singh vs. Chief Information Commissioner & Ors.*⁵; *Hira Lal Bansal vs. Central Information Commission & Ors.*,⁶ and *Ferani Hotels Pvt. Ltd. vs. State Information Commissioner, Greater Mumbai & Ors.*⁷.

8. The submissions made by Mr. Garg are strongly opposed by learned counsel who appears for the respondents.

¹ (2002) 8 SCC 481

² 2010 6 CTC 541

³ 2016 3 SCC 525

⁴ 2011 8 SCC 497

⁵ 2007 SCC OnLine Del 1607

⁶ 2017 SCC OnLine Del 9828

⁷ 2019 14 SCC 504



9. Ms. Pratima N Lakra, CGSC and Mr. Rohan P Shah, Sr. Advocates with Ms Carina Arora submit that the Authorities have thoughtfully considered the entire controversy and have rightly come to the conclusion that the information sought for, should not be furnished for the reasons assigned in the impugned orders.

10. While taking the Court through written submissions filed by respondent no.2, it is pointed out that the information sought is exempted under Section 8(1)(d) of the RTI Act and the reliance is placed on the decisions passed by this Court in the case of *Bharat Sanchar Nigam Limited v. Shri Chander Shekhar*⁸; *Naresh Tehran v. Rakesh Kumar Gupta*⁹, and decisions passed by the CIC in the cases of *Himanshu Pathak v. Ministry of Railways*¹⁰, and *Ajay Chadha v. Dr. R.S. Agarwal*¹¹.

11. In order to invoke the provision for exemptions under Section 8(1)(e) of the RTI Act, the reliance is placed in the case of *Institute of Chartered Accountant of India. v. Shaunak H. Satya and Ors.*¹²; *Rakesh Kumar Gupta v. PIO Life Insurance Corporation and Ors.*¹³; and *Central Board of Secondary Education & Anr. v. Aditya Bandopadhyaya & Ors.*

12. It is submitted that the petitioner has failed to establish any larger public interest. Reliance is placed in the cases of *Bihar Public Service Commission v. Saiyed Hussain Abbas Rizwi*¹⁴; *B. Singh v. Union of India*¹⁵; and another decision passed by the CIC in the case of *Manoj*

⁸ LPA 900/2010, Order dated 23.03.2012

⁹ WP (C) 85/2010 Order dated 24.11.2014

¹⁰ Order dated 15.09.2017

¹¹ Order dated 01.09.2014

¹² 2011 (8) SCC 781

¹³ order dated 28.09.2011 of CIC]

¹⁴ (2012)13 SCC 61

¹⁵ AIR 2004 SC 1923



*Kumar Saini*¹⁶.

13. Additionally, it is pointed out that once the decision is taken the scope of judicial review is limited to the extent of examining the perversity. Reliance is placed in the cases of *Appropriate Authority and Anr. v. Sudha Patil (Smt) & Anr.*¹⁷; and *M/s R. B. Shreeram Durga Prasad v. Settlement Commissioner (IT & WT) & Anr.*¹⁸.

14. It is also submitted that the balance has to be struck between right to information and right to privacy. In order to support the said submissions, the reliance is placed in the cases of *HDFC Bank Ltd. & Ors. v. Union of India & Ors.*¹⁹; and *University of Delhi vs. Neeraj & Anr.*²⁰, and also on the decision passed by this Court in the case of *Vikas Nagar vs. Central Information Commission through Its Chief Information Commissioner & Ors.*²¹.

15. I have considered the submissions made by learned counsel for the parties and have perused the record.

16. The CPIO *vide* reply dated 02.09.2016 refused to disclose the information sought on the ground that the application pertains to information/ commercial confidence trade secrets or intellectual property, the disclosure of which would harm the competitive position of third parties and the said aspect would fall within the ambit of Section 8(1)(d) of the RTI Act. The reply of the CPIO was upheld by the FAA, which further notes that the disclosure of the information sought was not necessary in the larger

¹⁶ Appeal No. Cic/Ls/A/2010/001044-Ds order dated 24.03.2011 (MANU/CI/2346/2011)

¹⁷ 1998 (8) SCC 237

¹⁸ 1989 (1) SCC 628

¹⁹ 2022 SCC Online SC 1337

²⁰ 2025 SCC OnLine Del 5668

²¹ 2026:DHC:1726



public interest.

17. It be noted that the drug in question has to pass the scrutiny under the regulatory regime governed by Drug and Cosmetics Act, 1940. The public interest, if any, will have to be adequately considered by the concerned Authorities.

18. The order passed by the CIC comprehensively considered the aspect of public interest and has held that there does not exist any public interest warranting disclosure of the information considering that the drug in question has been scrutinized by the Regulatory Authority under the Drug and Cosmetics Act, 1940.

19. On perusal of the reasoning assigned by the CIC, the same would indicate that there is no infirmity. While Section 10 of the RTI Act provides that exempt information, may be severed and the remaining information may be directed to be provided, however, the said provision does not make it mandatory for the Public Information Officer (**PIO**) to undertake the said exercise. Even otherwise, the natures of the information sought are intrinsically associated. They do not seem to be genuinely severed. The aspect of public interest will have to be considered depending upon the facts and circumstances of each case.

20. The affidavit filed by respondent no.1, particularly paragraph no. 4 under the heading 'reply to the grounds' states that on 30.08.2018 during the hearing of CIC following documents were provided to the petitioner:-

- (i) Certificate of Analysis (Test report by National Institute of Biologicals).
- (ii) Form No. 26-1 of Rhoclone (Rhoclone 1 OOmcg, Rhoclone 150 mcg, Rhoclone 300 mcg)



- (iii) A copy of NOC issued on 19.06.2009 amendment in NOC issued dated 11.05.2009 for material transfer of cell line.
- (iv) Copy of NOC Issued on dated 19.01.2009 for Anti-D (Rho) Immunoglobulin (Monoclonal)
- (v) Copy of NOC dated 11.05.2009 for Immunoglobulin and other product and import of Anti-Rho-D immunoglobulin monoclonal semi-finished bulk.
- (vi) Further, overview of product development and its safety related information including brief write-up of technical and legal submission for opposing the application and second appeal filed by the appellant, submitted by M/s Bharat Serum and Vaccine Ltd to CIC with a copy marked to Directorate General of Health Services ('DGHS'), 0/o DCG(I) has also been provided.

21. The authorities, namely the CPIO, the FAA, and the CIC, have comprehensively considered all the aforesaid aspects. The reasoning and conclusions arrived at by them do not suffer from any manifest arbitrariness, perversity, or legal infirmity so as to warrant interference by this Court in exercise of its writ jurisdiction. The view taken by the said authorities is a plausible and legally sustainable one, based on the material available on record. The decisions relied upon by the petitioner are distinguishable on facts and do not advance his case, inasmuch, as they merely reiterate settled principles of law, which have already been taken into consideration.

22. For all the aforesaid reasons, the Court is not inclined to interfere with the impugned decisions. The petition, therefore, fails and is, accordingly, dismissed.



2026:DHC:2487



23. However, the aforesaid adjudication will not be any impediment for the petitioner to file a fresh application before the concerned Authority and if the information which the petition proposes to seek is permissible in law, let the said application be dealt with, in accordance with law.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

MARCH 17, 2026/aks/ss.