



2026:DHC:1885



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1803/2019, CM APPL. 8417/2019 and CM APPL. 9698/2024**

Date of Decision: **20.02.2026**

IN THE MATTER OF:

MINISTRY OF RAILWAYS

.....Petitioner

(Through: Mr Subhash Tanwar (SPC), Mr Sandeep Mishra, Mr Harshit Deshwal, Mr Mohit Kumar Tomar, Mr Mayank Sehrawat, Advocates)

versus

HUKMA RAJ BADALA

.....Respondent

(Through: Ms. Asmita Singh, Advocate (Amicus) along with Ms. Ankita makan, Mr. Shashank jain, Mr. Geet kumar Advocates.)

AND

+ **W.P.(C) 1804/2019, CM APPL. 8418/2019 and CM APPL. 9697/2024**

MINISTRY OF RAILWAYS

.....Petitioner

(Through: Mr Subhash Tanwar (SPC), Mr Sandeep Mishra, Mr Harshit Deshwal, Mr Mohit Kumar Tomar, Mr Mayank Sehrawat, Advocates.)

Versus

HUKMA RAJ BDALA

.....Respondent



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(Through: Ms. Asmita Singh, Advocate (Amicus) along with Ms. Ankita makan, Mr. Shashank jain, Mr. Geet kumar Advocates.)

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

J U D G E M E N T

PURUSHAINDR KUMAR KAURAV, J. (ORAL)

1. In both these petitions, the prayer is for setting aside a common order dated 12.04.2018, passed by the Central Information Commission (CIC) in second appeals filed by the respondent under Section 19 of the Right to Information Act, 2005 (RTI Act), and order dated 29.10.2018 passed in applications for review of the order dated 12.04.2018.
2. *Vide* order dated 12.04.2018, the CIC had directed the petitioner to pay 'compensation' of Rs. 10,000/- (Rupees Ten Thousand only) to the respondent for inaction towards timely furnishing of information. *Vide* order dated 29.10.2018, the CIC has rejected the petitioner's application for review of its earlier order, and imposed a penalty of Rs. 5,000/- (Rupees Five Thousand only) for non-payment of 'compensation' as earlier directed.
3. Since no one was appearing on behalf of the respondent, therefore, Ms. Asmita Singh, learned counsel, was appointed as Amicus Curiae. She has ably assisted the Court by presenting a detailed note explaining the applicable legal position.
4. This Court in the case of *NTPC Ltd. Vs. Mohd. Samad Khan*,¹ has held that unless the loss is ascertained after the enquiry, no compensation

¹ 2010:DHC:1362



can be granted under Section 19 of the RTI Act. Paragraph no.17 of the said decision is extracted as under:-

“17. The ambit of the power under Section 19 (8)(b) has to be determined by the scope of the powers of the CIC generally under Section 19, and as an Appellate Authority in terms of Section 19 (1) to (8). The compensation payable under Section 19 (8)(b) is “for any loss or other detriment suffered”, on account of the denial of the information under the RTI Act and not just about any loss or detriment suffered by the applicant. In the context of the present case if the CIC had found that the Respondent was unfairly denied by the NTPC, the information sought for by him, the CIC was next to determine the precise loss suffered by the Respondent on account of such denial of information. Thereafter it could pass appropriate orders to compensate the Respondent for the loss or detriment suffered. In the present case, there is no finding by the CIC that the NTPC had in its records a survey report which it unfairly denied to the Respondent. This factual determination was essential for the CIC to proceed to determine the information. Thereafter under Section 19(8)(b) RTI Act it was in the discretion of the CIC to award compensation. Even while exercising that power a finding would have to be rendered by the CIC on the extent of loss, even approximately, suffered by the person to whom such information ought to have been furnished. This is because the compensation that has to be awarded under Section 19 (8)(b) is for the loss or the detriment suffered “on account of the denial of such information” and not just about any loss or detriment suffered by such person. There is no such determination by the CIC in the present case.”

5. The same position has been reiterated by this Court in the cases of ***PIO Tihar Jain vs. Om Prakash Gandhi***,² ***Directorate of Higher Education & Anr. v. Central Information Commission & Anr.***³ and ***Zoya Rahman V. The Bihar School Examination Board***.⁴

6. If the impugned orders are examined in the context of the aforesaid legal position, it would appear that no such enquiry has been conducted to determine the precise loss caused to the respondent. Considering that the directions to pay compensation to the respondent are not based on any

² 2018:DHC::1203

³ 2020:DHC:1150

⁴ Order dated 09.08.2023 in CWJC No. 5500 of 2023



calculation of the specific loss suffered by him, the same deserves to be set aside.

7. So far as the imposition of penalty *vide* order dated 29.10.2018 is concerned, the power to impose penalties is contained in Section 20 of the RTI Act, which is extracted as under:-

“20. Penalties.—(1) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or, obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:

Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him: Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Public Information Officer or the State Public Information Officer, as the case may be.

(2) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall recommend for disciplinary action against the Central Public Information Officer or the State Public Information Officer, as the case may be, under the service rules applicable to him.”

8. While the CIC is, definitely, empowered under the aforesaid provision



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to impose penalties, it is seen that the penalty imposed on the respondent *vide* order dated 29.10.2018, was for non-payment of ‘compensation’ which itself could not have been imposed. In view thereof, even the said direction deserves to be set aside.

9. Accordingly, the impugned orders stand set aside and the petitions are disposed of.

10. If any amount has been deposited by the petitioner before this Court pursuant to the directions passed by the CIC, let the same be refunded upon due verification.

11. Liberty is however granted to the respondent for seeking imposition of penalty under Section 20 before the CIC, if so advised, for furnishing of the delayed information to the respondent. The said liberty is necessary in view of the findings rendered by the CIC in its order regarding delayed furnishing of the information.

12. The Court places on record the appreciation of Ms. Asmita Singh, learned counsel for her invaluable assistance.

(PURUSHAINDR KUMAR KAURAV)
JUDGE

FEBRUARY 20, 2026

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