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

+ **W.P.(C) 4764/2010**

Date of Decision: **23.02.2026**

**IN THE MATTER OF:**

THE INSTITUTE OF CHARTED ACCOUNTANTS OF INDIA

.....Petitioner

Through: Mr. Abhishek Aggarwal, Advocate.

versus

MAHAMADASALAM KASAMBHAI KHATRI

.....Respondent

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV**

**J U D G E M E N T**

**PURUSHAINDR KUMAR KAURAV, J. (ORAL)**

1. The Institute of Chartered Accountants of India has approached this Court impugning the order dated 23.06.2010 passed by the Central Information Commissioner [CIC] whereby a decision to show cause has been issued as to why the penalty of ₹25,000/- should not be imposed against the petitioner.

2. It is pertinent to note herein that the order of the CIC was stayed by this Court *vide* its order dated 20.07.2010, therefore, the said show cause notice has not been taken to its logical conclusion.

3. The facts manifest that the respondent - original applicant, appeared in the Chartered Accountant examination in the year 2009. Since he could not



obtain the passing marks, he filed an application under Right to Information Act, 2005 [RTI Act], seeking a copy of the answer-sheets. The said request was declined under Sections 8(1)(e) and 8(1)(j) of the RTI Act read with Regulation 39(4) of the Chartered Accountants Regulation, 1988. Thereafter, the first appeal was dismissed and, therefore, the second appeal was preferred before the CIC.

4. The sole reason to challenge the impugned order is the non-affording opportunity of hearing to the petitioner. It is submitted that the CIC directed the RTI applicant to serve the notice on the petitioner. However, no such notice was served upon the petitioner, and the matter was heard and decided in the absence of the petitioner.

5. None appears for the respondent to controvert the said position.

6. A perusal of the record reveals that there is nothing to indicate that the petitioner was afforded any opportunity of hearing prior to the passing of the impugned order. The principles of natural justice, particularly the rule of *audi alteram partem*, require that a person likely to be adversely affected by an order must be granted a reasonable opportunity to present his or her case. In the present matter, however, the impugned order appears to have been passed without service of any notice to the petitioner or granting the petitioner an effective opportunity to explain or respond to the allegations forming the basis of the order.

7. Learned counsel appearing on behalf of the petitioner has further submitted that the RTI applicant, at whose instance the matter was pursued, has already passed the relevant examination and is presently working as a Chartered Accountant. In these circumstances, the grievance that initially led to the proceedings appears to have lost its significance. It also appears from



the surrounding circumstances that the respondent itself has not shown any further inclination to actively pursue the matter, which further diminishes the necessity of sustaining the impugned order.

8. In view of the aforesaid circumstances, this Court is of the considered view that the impugned order cannot be sustained in law. Since the order has been passed without affording the petitioner an opportunity of hearing, it suffers from a clear violation of the principles of natural justice. On this short ground alone, the impugned order deserves to be set aside.

9. Consequently, the impugned order is hereby set aside.

10. However, it is clarified that if the respondent is still desirous of pursuing the matter with regard to the imposition of penalty, he shall be at liberty to approach the CIC. In the event such a request is made, the CIC shall consider the same in accordance with law and shall be at liberty to pass appropriate orders after affording a reasonable opportunity of hearing to all the concerned parties.

11. With the aforesaid observations and liberty, the present writ petition stands disposed of.

**(PURUSHAINDRA KUMAR KAURAV)**  
**JUDGE**

**FEBRUARY 23, 2026**

*Tr/mj.*