



2026:DHC:2607



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 5557/2025 & CM APPL. 46546/2025**Date of Decision: **23.03.2026****IN THE MATTER OF:**

VIPIN KUMAR TYAGI

.....Petitioner

Through: Mr. Srikant Singh, Mr. Abhijit Singh,
Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Jagdish Chandra CGSC Ms
Maanya Saxena, Advocates.
Mr. Farman Ali CGSC, Ms Usha
Jamnal, Advocates for UOI**CORAM:****HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV****JUDGEMENT****PURUSHAINDR KUMAR KAURAV, J. (ORAL)**

1. The petitioner's second appeal has been dismissed by the Central Information Commission ('CIC') *vide* order dated 28.02.2025 ("**Impugned Order**") on the ground of limitation. As per the Impugned Order, the second appeal was filed after a delay of about 437 days.

2. The petitioner seems to have applied for certain information under Right to Information Act, 2005 ("**RTI Act**") on 10.12.2022. The CPIO did not respond to the petitioner's application then he filed first appeal on 23.01.2023. The CPIO then replied by letter dated 22.02.2024 and sought exemption under Section 8(1)(d) of the RTI Act. The First Appellate Authority *vide* order dated 27.02.2024 upheld the reply filed by CPIO. The



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petitioner approached the CIC in Second Appeal on 03.04.2024 under Section 19(3) of RTI Act.

3. A Second Appeal against the decision the First Appellate Authority shall lie within 90 days from the date on which the decision should have been made or was actually received.

4. In the instant case, the CIC construed the limitation to have begun from the expiry of the date on which the decision should have been taken. However, where an order has been passed by the First Appellate Authority under Section 19(1) of the RTI Act, it is but obvious, that the limitation period must begin from the date of the passing of the order. But for this, the expression “*or was actually received*” as contained in Section 19(3) of the RTI Act shall be rendered nugatory and otiose.

5. With the order of the First Appellate Authority having been passed on 27.02.2024, and the Second Appeal being filed on 27.02.2024, the same was admittedly within the limitation period prescribed under Section 19(3) of the Act.

6. For the aforesaid reasons, the impugned order suffers with material irregularity and accordingly the same stands set aside. The matter is remitted back to the CIC for its disposal. The second appeal before the CIC stands restored to its original number. Let the same be decided on merits.

7. Accordingly, the present writ petition stands disposed of. Pending application stands disposed of.

8. All rights and contentions of the parties are left open.

PURUSHAINDR KUMAR KAURAV, J

MARCH 23, 2026/ar