

IN THE HIGH COURT OF ORISSA: CUTTACK

W.P.(C) NO. 20134 OF 2011

CODE NO. 070600

IN THE MATTER OF:

An application under Article 226 & 227 of the Constitution of India,

A N D

IN THE MATTER OF :

An application under The Right to Information Act, 2005,

A N D

IN THE MATTER OF :

An application challenging the legality and propriety of the order dtd.14.03.2011 passed by State Information Commissioner passed in Second Appeal No.224 of 2008 and Second Appeal No.359 of 2008, wherein the petitioner was directed to submit the information required by the Applicant and to set up an appropriate system as per Section 5(1) and (2) under the RTI Act, 2005 and the subsequent order dtd.06.06.2011 passed in the said appeals on an application of the petitioner for recalling the order dtd.14.03.2011, wherein the Information Commissioner has erroneously dealt with the issues raised before it as per the directive of the order dtd.31.01.2011 passed by the Hon'ble Apex Court in SLP (Civil) No.758, 776 & 777 of 2010 confirming its earlier order,

A N D

IN THE MATTER OF:

NORTH EASTERN ELECTRICITY SUPPLY COMPANY ORISSA LIMITED (NESCO), represented through its Chief Executive Officer (CEO), Corporate Office, Januganj, Balasore, District: Balasore, Orissa.

- Vrs. -

Presented in Court

B.O. 26/7/11



filed Adr

26-7-2011

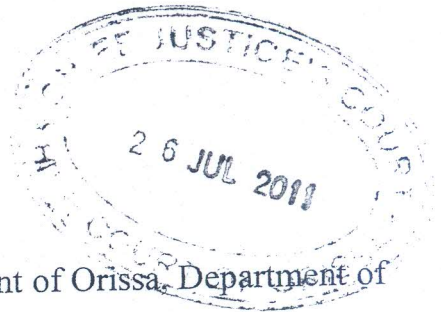
Surentra Prasad Dhal

Advocate

NOTARY

[Signature]

[2]



1. The Secretary to Government of Orissa, Department of Information and Public Relations, Secretariate Building, Bhubaneswar, District: Khurda.
2. Nilambara Mishra, age not known, Son^{of} Kshetra Mohan Mishra, At/P.O. Rudhunga, Via/P.S.Simulia, District : Balasore-756126.

...
OPP.PARTIES

The matter out of which this Writ application arises was never before this

RC



A handwritten signature or mark consisting of a stylized 'e' or similar character with a long horizontal line extending to the right.

Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action (if any), taken on Order
	3. 19-08-2011	<p>Heard Mr. Suresh Tripathy, learned counsel for the petitioner, Mr. R.K. Mohapatra, learned Government Advocate and Mr. Biswanath Rath, learned counsel for opposite party No.2.</p> <p>2. This writ petition has been filed by the North Eastern Electricity Supply Company of Orissa Ltd. (NESCO) challenging the legality of the orders dated 14.03.2011 and 06.06.2011 (under Annexures-1 & 3) passed by the State Information Commissioner in Second Appeal Nos. 224 of 2008 and 359 of 2008, wherein the petitioner-Company was directed to submit the information as required by the applicant under the Right to Information Act, 2005 (hereinafter called 'the RTI Act') and to set up an appropriate system as per Section 5(1) and (2) of the RTI Act. Further the petitioner-company has prayed for issuance of a writ of certiorari by quashing the impugned orders under Annexures-1 & 3 urging various legal contentions.</p> <p>3. All the legal contentions need not be adverted in detailed in this judgment in view of the clear pronouncement of law by this Court rendering the decision on the very same legal contention that the petitioner-Company comes within the purview of the definition of Section 2(h) of the RTI Act. The petitioner-Company in the earlier writ petition, being W.P.(C) No. 9042 of 2006 (NESCO Vs. State of Orissa & Ors.), reported in 109(2010) CLT 473, challenged the letter of the State Government in the Energy Department dated 16.3.2006 holding that the petitioner-Company falls within the definition of "public authority" as defined in Section 2(h) of the RTI Act. This Court in the said writ petition while dealing with the rival legal contentions of the parties held that the petitioner-company is a subsidiary of GRIDCO, which is a wholly owned Government company, which holds 49% equity shares in the</p>	



(Handwritten signature)

