

\$~35

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

+ W.P.(C) 10193/2022, CM APPL. 29509/2022

CPIO/DY. COMMISSIONER OF INCOME TAX HQ EXEMPTION,
NEW DELHI Petitioner

Through: Mr.Zoheb Hossain, Sr. SC with
Mr.Vipul Agrawal, Mr.Parth Semwal,
Jr. SC for petitioners.

versus

GIRISH MITTAL Respondent

Through: Mr.Pranav Sachdeva and Mr.Jatin
Bhardwaj, Advs.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

ORDER

07.07.2022

%

1. Notice. Let the noticed respondent file his reply on the writ petition within a period of eight weeks from today.
2. Learned counsel for the respondent submits that the PM Cares Fund is a body owned and controlled by the Government of India.
3. Prima facie and for the purposes of considering the prayer for interim directions, the Court takes into consideration the submission of Mr. Hossain that the issue of whether the PM Cares Fund is a public authority, is presently engaging the attention of the Division Bench of this Court in W.P. No. 3430/2020.
4. On a more fundamental plane, the Court notes that the directions issued with respect to questions (a) and (b) which were submitted would be

wholly inconsistent and contradictory to the findings returned with regard to questions (c) and (d) which were held to be exempted in light of the provisions of Section 8(1)(j) of the Right to Information Act, 2005. As this Court peruses the questions which were put up before the Department, if question (c) and (d) fell within the exemptions contemplated under Section 8(1)(j), prima facie, the same principle would apply to questions (a) and (b) also. Matter requires consideration.

5. Till the next date of listing, there shall be stay of the impugned order dated 27 April 2022.

6. List on 16.11.2022.

YASHWANT VARMA, J.

JULY 7, 2022

bh