

**Court No.3.****HIGH COURT OF SIKKIM**Record of proceedings**W.P. (C) No. 36 of 2022**

YOZAN RAI

.... PETITIONER

VERSUS

CHIEF INFORMATION COMMISSIONER &amp; ORS.

.... RESPONDENTS

Date: 07.11.2023

CORAM

**HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, J.**

For Petitioner : Mr. N. Rai, Senior Advocate with  
Ms. Tara Devi Chettri and Ms. Priscila Rai,  
Advocates.

For Respondent : Dr. Doma T. Bhutia, Additional Advocate General  
Nos. 1, 2 & 3. with Mr. Shakil Raj Karki, Assistant Government  
Advocate.

For Respondent : Mr. Bhushan Nepal and Mr. Loknath Khanal,  
No. 4. Advocates.

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**1.** The present writ petition is directed against an Order dated 25.05.2022 passed by the Chief Information Commissioner (Sikkim). In the said Order it is reflected that an appeal filed by the petitioner is pending before the Appellate Authority. In such view of the matter the Chief Information Commissioner directed the First Appellate Authority to take appropriate steps as per the RTI Act, 2005. The respondents had filed their counter-affidavits where they have also taken the stand that the appeal is still pending for disposal.

**2.** Thus it would be appropriate for the petitioner to exhaust its statutory remedy before the Appellate Authority under the RTI Act, 2005. Liberty as sought for by the learned Senior Counsel to go back to the Appellate Authority is granted.

**3.** The writ petition is accordingly disposed of along with pending interim application.

**Judge**