

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

**LPA 275/2014**

**PARAS JAIN ..... Appellant**

**Represented by: Appellant in person**

**versus**

**INSTITUTE OF COMPANIES**

**SECRETARIES OF INDIA**

**(REPRESENTED BY: ITS CHIEF EXECUTIVE) ..... Respondent**

**Represented by: Mr.R.D.Makheeja, Advocate**

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE PRADEEP NANDRAJOG**

**ORDER**

**22.04.2014**

**1. Though process fee was not filed and as a result the respondent could not be served counsel as above appears for the respondent.**

**2. The appellant who appears in person has been heard. Counsel for the respondent has been heard.**

**3. Guidelines issued by the respondent for providing certified copies of answer books to students on August 14, 2013, vide guideline No.3, stipulates as under:-**

**?3. Fee of `500/- per subject/answer books payable for supply of certified copy(ies) of answer book(s) and `450/- per answer book for providing inspection thereof respectively. The fee shall be paid through Demand Draft drawn in favour of ?The Institute of Company Secretaries of India?, payable at New Delhi.?**

**4. In exercise of the power conferred by Section 27 of the Right to Information Act, 2005, the Central Government has promulgated ?The Right to Information (Regulation of Fee and Cost) Rules, 2005?. Rule 4 thereof reads as under:-**

**?4. For providing the information under sub-Section (1) of Section 7, the fee shall be charged by way of cash against proper receipt or by demand draft or bankers cheque or Indian Postal Order payable to the Accounts Officer of the public authority at the following rates:-**

- (a) rupees two for each page (in A4 or A3 size paper) created or copied;**
- (b) actual charge or cost price of a copy in larger size paper;**
- (c) actual cost or price for samples or models; and**
- (d) for inspection of records, no fee for the first hour; and a fee of rupees five for each subsequent hour (or fraction thereof).?**

**5. It is trite that an executive instruction if in violation of a statutory rule or a regulation must yield to the statutory rule or regulation.**

**6. Thus, the demand by the respondents from the petitioner to pay fee in sum of `500/- per subject/answer book copy whereof is sought is not sustainable.**

**7. We dispose of appeal quashing guideline No.5 notified by the respondent and declare that for the answer sheets copy whereof is sought by the appellant he shall be charged fee as per Rule 4 of the Right to Information (Regulation of Fee and Cost) Rules, 2005.**

**8. No costs.**

**CHIEF JUSTICE**

**PRADEEP NANDRAJOG, J**

**APRIL 22, 2014/mamta**

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