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

+ **W.P.(C) 17301/2022 and CM APPL. 55036/2022**

PRASHANT REDDY T Petitioner

Through: Ms. Swathi Sukumar, Mr. Sai Vinod,
Mr. Naveen Nagarjuna, Mr. Pratyush
Rao & Mr. Ritik Raghuvanshi,
Advocates (M-8826561747)

versus

CPIO, BIOTECHNOLOGY INDUSTRY RESEARCH

ASSISTANCE COUNCIL AND ORS Respondents

Through: Mr. Sughosh Subramanyam & Mr.
Agnish Aditya, Advocates for R-3
(M-8170009934)
Mr. Amit Kumar, Legal Officer,
BIRAC (M-7889286646)

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WITH

+ **W.P.(C) 17304/2022 and CM APPL. 55040/2022**

PRASHANT REDDY T Petitioner

Through: Ms. Swathi Sukumar, Mr. Sai Vinod,
Mr. Naveen Nagarjuna, Mr. Pratyush
Rao & Mr. Ritik Raghuvanshi,
Advocates.

versus

**CPIO, INDIAN COUNCIL FOR MEDICAL
RESEARCH**

..... Respondent

Through: None.

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WITH

+ **W.P.(C) 17348/2022 and CM APPL. 55176/2022**

PRASHANT REDDY T. Petitioner

Through: Ms. Swathi Sukumar, Mr. Sai Vinod,
Mr. Naveen Nagarjuna, Mr. Pratyush
Rao & Mr. Ritik Raghuvanshi,
Advocates.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr. Anurag Ahluwalia, CGSC for R-
1&2.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **09.01.2023**

1. This hearing has been done through hybrid mode.

CM APPL. 55036/2022 in W.P.(C) 17301/2022

CM APPL. 55040/2022 in W.P.(C) 17304/2022

CM APPL. 55176/2022 in W.P.(C) 17348/2022

2. Allowed, subject to all just exceptions. Applications are disposed of.

W.P.(C) 17301/2022

W.P.(C) 17304/2022

W.P.(C) 17348/2022

3. Arguments heard in part.

4. These three petitions have been filed by the Petitioner seeking setting aside of the orders of the Central Information Commission dated 10th October, 2022 and 28th September, 2022 as also directing the Respondents to disclose the information sought by the Petitioner in his RTI applications dated 9th May, 2021 and 14th October, 2021.

5. Ms. Sukumar, Id. Counsel for the Petitioner submits that in order for the exemption under Section 8(1)(d) of the Right to Information Act, 2005 to be attracted, the concerned authority ought to have perused the documents in question in order to establish if they contain any information relating to trade secrets, commercial confidence.

6. Mr. Sughosh Subramanyam, Id. Counsel appearing for Bharat Biotech International Ltd. takes a preliminary objection in respect of the Petitioner and submits that the Petitioner and the foundation, namely, Thakur

Foundation, of which the Petitioner is one of the Directors, are working contrary to India's interest and a notice has been issued to them by the Ministry of Health and Family Welfare through the Central Drugs Standard Control Organisation (CDSO) on 15th October, 2022. A copy of the said notice has been handed over by the Id. Counsel.

7. It is noticed by the Court that in *W.P.(C) 17301/2022* and *W.P.(C) 17304/2022*, the Union of India has not been made a party. On the oral prayer of Ms. Sukumar, Id. Counsel for the Petitioner, the Union of India through the Ministry of Health and Family Welfare is impleaded as a Respondent in *W.P.(C) 17301/2022* and *W.P.(C) 17304/2022*.

8. Since all three petitions relate to information regarding the COVID-19 vaccines manufactured by Bharat Biotech and Genova Biopharmaceuticals Limited, let a common memo of parties be filed in all three writ petitions within a period of one week. Let the counsels appearing for the parties be served with the copies of the writ petitions.

9. Let the copy of the said notice of the CDSCO addressed to the Petitioner, which has been handed over to the Court today be placed on record along with other relevant documents.

10. List for further hearing on 16th March, 2023.

PRATHIBA M. SINGH, J

JANUARY 9, 2023

Rahul/KS