



2026:DHC:3705



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 8481/2021 & CM APPL. 26235/2021**Date of Decision: **28.04.2026****IN THE MATTER OF:**

KAPIL AGARWAL

.....Petitioner

Through: Mr. Vineet Sinha, Ms. Ankita Gupta
Advocates.

versus

CPIO INCOME TAX OFFICER MORADABAD & ANR.

.....Respondents

Through: Mr. Manish Raghav, Mr. Prakash
Srivastava, Mr. Rajan Thakur, Ms.
Smriti Dubey, Advs. for R-2.**CORAM:****HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV****J U D G E M E N T****PURUSHAINDR KUMAR KAURAV, J. (ORAL)**

1. The instant petition has been filed seeking the following reliefs:

*“(i) An order to set aside Impugned Order dated 22.07.2021 passed by the Hon'ble Central Information Commission 111 second appeal bearing No. CIC/CAKP/A/2019/657945 titled as "Sakshi Goyal Vs CPIO".**“(ii) Direct the Respondent No. 1 not to share the income details of the Petitioner with the Respondent No.2.**“(iii) Pass any other order/ directions as deem fit and proper to the facts and circumstance of the case in hand and in the interest of justice.”*

2. The contesting parties in the instant petition are husband and wife.

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The instant petition has been filed by the husband, who is aggrieved by the impugned order dated 22.07.2021, passed by the Central Information Commission (hereinafter, “CIC”), whereby, directions have been issued for the disclosure of details of his net taxable income for the FY 2007-08 and onwards.

3. It appears that the impugned order was passed in the backdrop of an ongoing matrimonial dispute between the petitioner and Respondent No. 2. Respondent No. 2 seems to have filed a maintenance claim against the petitioner, which has been remitted to the learned Principal Judge by the Allahabad High Court in Criminal Revision No. 179/2024.

4. The petitioner submits that the information directed to be disclosed is his personal information and as such, is exempted from disclosure under Section 8 (1)(j) of the Right to Information Act, 2005 (hereinafter, “RTI Act”). He further submits that the impugned order is an unwarranted invasion of his privacy.

5. *Per contra*, Respondent No. 2 submits that she has a direct and legitimate interest in knowing the petitioner’s income details in order to get the appropriate relief in the maintenance claim filed by her.

6. At the outset, Section 8(1)(j) of the RTI Act is extracted below:

"8(1)(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person."

7. A bare perusal of Section 8 (1)(j) indicates that the general rule is that personal information is ordinarily exempted from disclosure if it is unrelated

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to public interest or if it would cause unnecessary violation of an individual's privacy. The only exception to the said rule stipulated under the provision is where the disclosure of such personal information is warranted in larger public interest.

8. In the instant petition, there can be no doubt that the information sought by Respondent No. 2 is "personal information" of the petitioner. The Supreme Court, in *Girish Ramchandra Deshpande v. Central Information Commissioner & Ors.*¹, has held that income tax returns of an individual would fall under personal information, and as such, would be exempted from disclosure under Section 8 (1)(j) of the RTI Act.

9. As far as the exception of "larger public interest" is concerned, it is observed that the same has to be interpreted in consonance with the scheme and object of the RTI Act. The Act was enacted to promote transparency in the working of public authorities. It could not have been the intention of the legislature to allow disclosure of personal information of individuals, having no bearing on the public at large. Therefore, the concept of "larger public interest" cannot be interpreted in a way that allows misuse of the provisions of the Act.

10. Therefore, the Court finds that the information directed to be disclosed by way of the impugned order, does not fall under the exception of "larger public interest".

11. The contention of Respondent No. 2 that the disclosure of the petitioner's income details under the RTI Act is necessary for the proper adjudication of her maintenance claim, cannot be accepted. As per the

¹SLP(C) No. 27734/2012.



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judgement of the Supreme Court in *Rajnish vs. Neha &Anr.*², both the parties in a maintenance claim are required to file affidavits of their income, assets, and liabilities, in order to enable proper adjudication of such claim. The relevant paragraph is extracted hereunder:

*“(iv) The party claiming maintenance either as a spouse, or as a partner in a civil union, live-in relationship, common law marriage, should be required to file a concise application for interim maintenance with limited pleadings, alongwith an Affidavit of Disclosure of Assets and Liabilities before the concerned court, as a mandatory requirement.
(v) On the basis of the pleadings filed by both parties and the Affidavits of Disclosure, the Court would be in a position to make an objective assessment of the approximate amount to be awarded towards maintenance at the interim stage.”*

12. Therefore, it is found that Respondent No. 2 is not without remedy. The parties shall be at liberty to take all remedies available in law for requiring the other spouse to place on record the affidavit as mandated under *Rajnish (supra)*.

13. In the above circumstances, the nature of the directions passed by the CIC are found unsustainable in law. The impugned order, thus, stands set aside.

14. With the aforesaid observations, the instant petition along with pending application stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

APRIL 28, 2026/SH/sv

²(2020) 2 SCC 324.