IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No. 498 of 2015

DATE OF DECISION : 31.03.2015

B.M. Agarwal

.... APPELLANT

Versus

Central Information Commissioner, New Delhi and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Sukhbir Singh, Advocate,
for the appellant.

* * *

SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 25.02.2015 passed by the learned Single Judge, whereby the writ petition (CWP No.3350 of 2015) filed by the appellant challenging the order dated 01.01.2013 (Annexure P-6) passed by the Central Information Commissioner (respondent No.1); order dated 27.12.2011 (Annexure P-4) passed by the Joint Commissioner, Income Tax-cum-Commissioner, Amritsar (respondent No.2) and the order dated 25.10.2011 (Annexure P-2) passed by respondent No.3, declining to supply information asked by the appellant with regard to the income tax return of third party, i.e. respondents No.4 and 5, has been dismissed, while observing as under :-

> *"The petitioner has already approached under the RTI for supply of information regarding some income tax returns submitted by the petitioner's wife's brothers. The same has been declined since it is not an information which the petitioner can have access to, being a confidential report between the income tax authorities and the person who submits his returns. He has approached the State Commission which has also declined to supply the information and he has also approached the Central Information Commission which has also confirmed the orders already passed.*
>
> *Learned counsel for the petitioner submits that some other orders had been passed by Central Information Commission where such information was given to yet another party. The petitioner may use the same before the Central Information Commission if it is possible but I will make no intervention for supply of information which is confidential. The petitioner may seek for summoning the document before the Criminal Court where the case is pending. If that information regarding the income tax return is relevant for the criminal trial and permissible by law, the jurisdictional Magistrate will exercise his jurisdiction to consider his plea after serving notice to persons whose records are sent for and hearing their objections."*

Learned counsel argued that the appellant requires the aforesaid information, though pertaining to the income tax return of third party, to defend himself in a criminal case.

In our opinion, the aforesaid contention has been rightly rejected by the learned Single Judge, while observing that as far as defending in a criminal case is concerned, the appellant may seek summoning of a document from the concerned department in support of his defence and in case, such a prayer is made, the trial court will examine the prayer in accordance with law, but on the said pretext the appellant cannot be supplied income tax return of third party under the Right to Information Act, 2005.

In view of the above, we do not find any ground to interfere with the order passed by the learned Single Judge.

No merit. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

March 31, 2015
ndj

(HARINDER SINGH SIDHU)
JUDGE