

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

210

CWP-10668-2015

Decided on : 24.10.2016

The Bathinda District Cooperative Milk Producers Union Ltd. Bathinda
... *Petitioner*

Versus

The State Information Commission Punjab and another
.. *Respondents*

CORAM : HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present : Mr.Harbans Sharma, Advocate
for the petitioner.

Mr.S.S.Chandumajra, Addl.AG., Punjab.

Mr.H.S.Jalal, Advocate for respondent No.2.

G.S.Sandhawalia, J. (Oral)

The petitioner challenges the compensation of Rs.5000/- which has been awarded in favour of respondent No.2-Sukhpreet Singh, by respondent No.1-Commission vide its order dated 07.05.2015 (Annexure P/9).

The amount of Rs.5000/- as compensation was directed to be paid on account of fact that the said respondent No.2-applicant had suffered a lot of detriments on account of getting the information which had been supplied on 19.02.2015 and 07.05.2015. The said information was in pursuance of the application dated 07.07.2014 (Annexure P/1).

It is the case of the petitioner that the application had not been received as such, therefore, the information had not been supplied.

As per the case of the private respondent, he had filed an appeal also to

the Managing Director of the Milkfed. On account of not getting information, the appeal was filed before the respondent-commission. The Deputy Manager, Shri R.K.Patel who was the Public Information Officer (PIO) had appeared in person before the Commission and taken a stand that there was no appeal and he pleaded that he came to know about this after receiving notice of hearing from the Commission on 01.01.2015.

Resultantly, it has been noticed in the order dated 24.02.2015 (Annexure P/4) that the requisite information was collected from different departments concerned and was sent to the appellant through registered post on 19.02.2015. The information was also handed over to the private respondent during the hearing before the Commission. In view of the inordinate delay in supplying the requisite information on the part of the PIO, show cause notice was also issued to him. Resultantly, vide subsequent order dated 07.05.2015 (Annexure P/9), it has been directed that compensation of Rs.5000/- was to be paid by the PIO to the appellant, respondent No.2 herein and the proceedings under Section 20 had been deferred to 09.06.2015 and affidavit of Shri R.K. Patel had been taken on record.

Counsel for the petitioner has vehemently, submitted that without deciding the issue whether the petitioner fall under the definition of public authority or not, the respondent-commission had proceeded to award the compensation. Therefore, the order dated 07.05.2015 (Annexure P-9) is not tenable.

This Court is of the opinion that from the above facts, it is clear that no such objection was raised at the time before the commission, and the only plea taken there was that application had not been received and only summons had been received therefore, information had been supplied.

It is for the first time, before this Court, stand has been taken that petitioner is not a public authority. This would not be permissible at this point of time once the petitioner had never raised the issue before the respondent commission at the preliminary stage. Rather it had also supplied information earlier to the hearing of the case, which was conducted on 24.02.2015 . The arguments which now sought to be raised cannot be accepted on the principle of estoppel.

Resultantly, on account of inordinate delay of over 07 months on part of the PIO, Rs.5000/- as compensation awarded by the Commission in favour of respondent No.2 is justified and sufficient. The fine of Rs.5000/- as compensation be paid to the respondent No.2 within one month from today.

It is however, to be noticed that the PIO has thus, acted upon the summons which has been issued by the respondent-commission and supplied the information expeditiously. In such circumstances, this Court is of the opinion that further proceedings under Section 20 of the RTI Act which has been issued by the respondent commission, need not required to continue. Accordingly, the show cause notice (Annexure P/4) under Section 20(1) of the Act is

quashed. The respondent-commission will take no further steps pertaining to the said issue against the PIO.

However, it is made clear that by virtue of this order, since the respondent commission has not opined on merits whether the petitioner society is a public authority or not, the said order will not be cited as a precedent in the other cases.

With the above observations, present petition is partly allowed.

[G.S.Sandhawalia]
Judge

24.10.2016
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No