

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.24753 of 2016
Decided on :01.12.2016**

Parveen Kumar

... Petitioner

Versus

State Information Commission, Haryana and others

... Respondents

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

Present : Mr. Sandeep Kumar, Advocate for
Mr. Vikram Singh, Advocate for the petitioner.

G.S. Sandhawalia, J. (Oral)

Petitioner seeks quashing of the order dated 26.05.2016 (Annexure P-4) and further seeks direction against the respondent No.3 to initiate the penal proceedings on the ground that he had not received the information after lapse of sufficient time.

It is a matter of record that the application seeking information was filed by the petitioner on 25.07.2015 (Annexure P-1). On account of not having been supplied the information, first appeal was filed on 03.10.2015 and the same was decided on 14.12.2015 by the First Appellate Authority. It is not disputed that during the pendency of the first appeal the information was given to the appellant on 03.12.2015 through registered post.

Though the information had been given, the second appeal was filed on 14.12.2015. Vide order dated 28.03.2016, the respondent-Commission noticed that the information has already been supplied, but on account of the appeal, the petitioner had asked for compensation. Resultantly, directions were issued to refund document fee of ₹ 40/- and also show cause notice under Section 20 (1) of the RTI Act to the SPIO was issued and he was asked to submit his reply. Thereafter, on 03.05.2016 (Annexure P-3) it has been noticed that ₹ 40/- has not been refunded and directions were issued to do the needful and the case was listed for 26.05.2016 (Annexure P-4) for deciding the issue on the show cause notice, which had been issued to the SPIO.

Vide impugned order dated 26.05.2016, it has been noticed that ₹ 40/- had been refunded vide letter dated dated 06.05.2016. The SPIOs explanation was also accepted that there was shortage of clerical staff and other official exigencies and unintentional delay had occurred. Resultantly, a finding was recorded that there was no malafide on the part of the SPIO on deliberately delaying the information and the show cause notice issued was filed. The respondent-Commission has thus accepted the explanation of the SPIO.

Section 20 (1) provides that where information has not been supplied without any reasonable cause or information has been supplied beyond the time prescribed and where there is a malafide denial then a penalty of ₹ 250/- is to be imposed per day

In the present case as noticed above, the respondent-Commission had issued the show cause notice under Section 20 (1) of the RTI Act and thereafter accepted the explanation given.

In such circumstances, the prayer made for imposition of penalty is not justified and does not warrant interference under Article 226 of the Constitution of India.

Accordingly, the present writ petition is dismissed in limine.

DECEMBER 01, 2016
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No