

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

CWP No. 13434 of 2011

Date of decision : 27.07.2017

Setia Synthetic Ltd.

....Petitioner

V/s

Public Information Officer & ors.

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. S.C. Arora, Advocate for the petitioner.

Mr. Vikas Mohan Gupta, Addl. A.G. Punjab.

Mr. Saurav Verma, Advocate for

Mr. Ramandeep Singh, Advocate for respondent no. 3.

RAJAN GUPTA J.

Challenge has been posed in this petition to order dated 02.06.2011 passed by State Information Commission. It has been urged before this court that petitioner is a private company and is not amenable to provisions of the Act. Besides, no reasoning has been assigned in the impugned order to direct petitioner-company to supply requisite information as sought by the applicant.

It is evident from record that respondent no. 3 invoked the jurisdiction of State Information Commission without exhausting the remedy of filing appeal before the First Appellate Authority. A perusal of the order shows that same is short and cryptic. It does not deal with the issues raised by the petitioner-company. It has not been discussed whether petitioner-company falls within the ambit of the Act and whether information sought was necessary to be supplied to the applicant. Finding the order non-

speaking in nature, this court feels that same needs to be set-aside. This proposal is not opposed by learned State counsel.

In view of above, impugned order, Annexure P-4 is hereby set-aside. Matter is remitted to same authority for decision afresh. Parties shall be at liberty to take all their pleas before the said Forum including one relating to failure of respondent no. 3 to approach the First Appellate Authority.

Allowed in these terms.

July 27, 2017

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No