

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.1229 of 2015

Date of decision: August 28, 2017

Sunil Kumar SPIO-cum-Sarpanch, Gram
Panchayat, Fatehgarh

...Petitioner

Versus

State Information Commissioner,
Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. J.S. Rana, Advocate for
Mr. Babbar Bhan, Advocate for the petitioner.
Mr. Rohit Arya, AAG, Haryana for respondents No.1 & 2.

Rajan Gupta, J.

Petitioner has posed a challenge to orders dated 31.7.2017 (Annexures P-1), passed by State Information Commissioner, Haryana, whereby he directed that relevant information be supplied to the applicant and imposed penalty on the SPIO under section 20 (1) of the Right to Information Act, 2005 (hereinafter referred to as “the Act”).

It has been urged before the court that the order imposing penalty suffers from patent illegality. Proper opportunity of hearing was not afforded to the petitioner before directing him to pay the penalty. The order passed is non-speaking and cryptic. Same needs to be set-aside.

Plea has been opposed by the State counsel appearing for respondents No.1 & 2.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears that applicant filed an application seeking information about the detail of encroachment on Gram Panchayat land, notices, if any, issued to the encroachers and regarding cutting of trees from the Panchayat land. The application was declined by the SPIO on the ground that same was not accompanied with requisite fee and application seeking information being vague. Aggrieved, applicant filed appeal before the First Appellate Authority. Before decision could be taken on the said appeal, he filed second appeal before the State Information Commissioner. On due consideration of the matter, the said authority allowed the appeal. It also issued notice under section 20 (1) of the Act to show cause why penalty be not imposed upon him for delay in supplying the information. After considering the response, the State Information Commissioner decided to impose penalty on the petitioner, as his reply was not found satisfactory. Plea of the petitioner that order is cryptic, is without any substance. It appears, matter was considered by the authority and due opportunity of hearing was afforded to the petitioner before passing the order. State Information Commissioner has the powers under section 20 (1) of the Act to impose appropriate penalty in case SPIO fails to provide information to the applicant in time. As petitioner was not able to furnish any plausible explanation for the delay in doing the needful, the authority decided to impose penalty upon him. I find no infirmity with the order. It appears, while issuing notice of motion in January, 2015, this court directed that deposit of penalty shall be subject to final decision of the writ petition. As

this court is not inclined to interfere, the writ petition is hereby dismissed.
In case penalty has been deposited, order passed by respondent No.1 would
be deemed to have been complied with.

(RAJAN GUPTA)
JUDGE

August 28, 2017
'Rajpal'

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