

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

CWP No. 22615 of 2013

Date of Decision: December 02, 2017.

Shourya Tower Pvt. Ltd.

....Petitioner

Versus

State Information Commission and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. Harkesh Manuja, Advocate
for the petitioner.

Mr.Aditya Sharda, AAG, Punjab

Mr.G.S.Virk, Advocate
for respondent No.5.

Rajan Gupta, J (Oral)

Petitioner has impugned the order dated 19.9.2013 passed by

State Information Commission. Operative part thereof reads as under:-

“Accordingly, I hereby direct the respondent-PIO/Improvement Trust, Jalandhar to permit inspection of the site and allow the appellant to draw samples of the material in accordance with the procedure laid down by the Punjab Public Works Department (B&R) for drawing of samples of Govt, work within one month of this order.

Ld. SIC-Shri Chander Parkash had issued a show cause notice under Section 20 of RTI Act to the PIO show cause why penalty under Section 20 should not be imposed on him for delay in furnishing of the information. I have duly considered the affidavit filed by Shri Jatinder Singh, Executive Officer-cum-PIO of the Improvement Trust, Jalandhar and do not find that there was any wilful or intentional; delay/denial of the information. The fact that complete information was given and nearly 680 pages were furnished in the very first instance, shows that there was no intentional denial of the information. Complicated issues of fact and law were involved and PIO failed to appreciate the legal nuance of the relevant provisions of the RTI Law. This

is not a fit case for imposition of penalty. With these observations, the present case filed in the Commission on 29.8.2012 is closed.”

It appears that information was sought by a person who never applied for allotment of flat. He filed application as a public spirited citizen. State Commission disposed of the same with permission to the petitioner to inspect the site and to draw samples of material in accordance with the procedure laid down by PWD (B&R) Department. This court finds the order cryptic as no clear finding has been given on the issue whether third party has any locus standi to move application under the provisions of Right to Information Act. Besides, judgment reported as **Thalappalam Service Coop Bank Ltd Vs. State of Kerala (2013) 16 SCC 82** has not been considered.

Under the circumstances, impugned order is set-aside. Matter is remanded to the same authority for decision afresh as per law after affording of opportunity of hearing to the parties.

Allowed in these terms.

(Rajan Gupta)
Judge

December 02, 2017.

BB

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No