

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

**CWP No.14271 of 2018
Date of Decision:30.05.2018**

Mohd. Waseem

...Petitioner

Versus

State Information Commissioner, Haryana and another ...Respondents

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

Present: Mr. Om Parkash Sharma, Advocate
 for the petitioner.

G.S. SANDHAWALIA, J. (ORAL)

The petition has been filed under Article 226/227 of the Constitution of India challenging the order dated 19.01.2018 (Annexure P-9) whereby sum of Rs.10,000/- has been imposed upon the petitioner as penalty for non-supply of the information and as per the directions issued by the State Information Commission, Haryana on 17.10.2016 (Annexure P-4), under the Right to Information Act, 2005.

The counsel for the petitioner has submitted that the same is not justified as the information sought was vast and it took time as such to supply the same and it was duly supplied on 04.10.2017 (Annexure P-5).

A perusal of the record would further gone to show that the application was filed seeking information under 9 heads on 01.12.2015 (Annexure P-1) by respondent No.2. The same was denied on 13.02.2016 (Annexure P-2) by the petitioner who is Principal of Senior Secondary School, Nuh (Mewat). On account of first appeal having not been

decided, the respondent No.2 approached the respondent No.1 Commission. Part relief was granted to the petitioner to the extent that only information qua point Nos.1 to 4 had to be supplied within one month through registered post as per the order dated 17.10.2016 (Annexure P-4) petitioner was permitted to withhold the information against point Nos.5 to 9 which were personal in nature.

Apparently, no action was taken on the directions as such and respondent No.2 approached the Commission and show cause notice was issued on 22.06.2017 (Annexure P-6) to come present on 04.08.2017 at 10:00 A.M. at the camp office Palwal. On 18.07.2017 the reply was submitted wherein the plea was taken that directions be issued to the applicant not to use the RTI Act as tool to obstruct the development of the school, to destroy the peace and tranquility of the petitioner. The information, however, was not supplied for a period of near one year and only when direction was issued on 08.09.2017 (Annexure P-8) to furnish the relevant information, the same was supplied on 04.10.2017 (Annexure P-5).

In such circumstances, the impugned order dated 19.01.2018 (Annexure P-9) has been passed by the respondent Commission imposing penalty of Rs.10,000/- as penalty of Rs.250/- per day not exceeding Rs.25,000/- can be imposed as per the provision of Section 20(1) of the RTI Act, 2005.

In such circumstances, the view which has been taken by the Commission as such to impose of penalty of Rs.10,000/- upon the petitioner in the facts and circumstances does not seem to be harsh in any manner in as much as for a period of one year he has chosen not to

supply information in spite of categorical directions. Thereafter show cause notice was issued to comply with the directions, and they were only complied with then.

In such circumstances, no case for interference is made out with the impugned order.

Petition stands dismissed.

30.05.2018
pvd

(G.S. SANDHAWALIA)
JUDGE

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