

**C.M. NO.18683 CWP OF 2019 &
CIVIL WRIT PETITION NO.34498 OF 2019**

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

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**C.M. NO.18683 CWP OF 2019 &
CIVIL WRIT PETITION NO.34498 OF 2019
DATE OF DECISION: DECEMBER 10, 2019**

Ravinder Kumar

.....Petitioner

VERSUS

State Information Commission, Haryana and another

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Rajesh Garg, Sr.Advocate with
Mr. Vineet Soni, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASI, J. (ORAL)

C.M. No.18683 CWP of 2019

Application is allowed as prayed for subject to all just exceptions.

Order dated 04.02.2019 (Annexure P-3) and complaint 11.12.2017 (Annexure P-4) are taken on record.

Civil Writ Petition No.34498 of 2019

Petitioner has approached this Court alleging that the complaint, as preferred by the petitioner under Section 18 of the Right to Information Act, 2005 (hereinafter referred to as “the 2005 Act”) before the State Information Commission, has been declined on the ground that it is in continuation of earlier complaint, which has been brought to an end by passing of order dated 04.02.2019 (Annexure P-3). He also contends that the information, as sought for by the petitioner, is a fresh information and has no direct connection with the earlier information, which the petitioner

had sought for and, therefore, since it was a fresh application, the said order passed by the authority concerned is totally under a wrong assumption as if the information was in continuation of the earlier application and, thus, there will be a bar on the petitioner for moving application again under the 2005 Act before the State Information Commission.

The contentions, as raised by counsel for the petitioner on the above facts, are not acceptable as the very Section 18 of the 2005 Act says that the powers and functions of the Information Commission are subject to the provisions of the 2005 Act. Therefore, since the 2005 Act provides for an appeal against non-supply of information or refusal thereof, the petitioner is required to exhaust the remedy of first appeal as available under the 2005 Act before the Appellate Authority and on non-supply or denial of information by the said authority, on petitioner approaching in Second Appeal before the State Information Commission, it is for the Commission to take cognizance thereof, if required, which remedy of first appeal, the petitioner has admittedly not availed of. Therefore, the present petition, as of now, is not entertained in the light of the provisions of Section 18 of the 2005 Act as the petitioner has an alternative effective statutory remedy.

The writ petition, therefore, as preferred by the petitioner, stands dismissed.

December 10, 2019
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(AUGUSTINE GEORGE MASIH)
JUDGE

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