

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

CWP-8983-2020
Date of Decision:-15.10.2020

Suresh Kumar Chopra

..... Petitioner

Versus

Central Information Commission, through its Registrar, Baba Gang Nath
Marg, Munirka, New Delhi, and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Arun Singla, Advocate for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab, for respondent No.1.

Mr. Akashdeep Singh, Advocate for respondent Nos.2 and 3.

SANJAY KUMAR, J. (Oral)

Unsuccessful in his attempt to secure a certain document under the Right to Information Act, 2005 (for short, 'the Act of 2005'), the petitioner is before this Court.

The petitioner's truck, bearing Registration No. PB-07-A- 9237, was involved in an accident in the year 2006. The said truck was insured with the Oriental Insurance Company. The Surveyor-cum-Investigator engaged by the Insurance Company submitted to it a report in relation to this accident and more particularly, about the driving licence of Yashveer

Pal Singh, the petitioner's driver (since, deceased). The petitioner applied for a copy of the said report under the Act of 2005 on 20.06.2018. By reply dated 03.07.2018, the Central Public Information Officer of the Insurance Company denied his request, citing Sections 8 (1) (e) and 8 (1) (j) of the Act of 2005. The appeal filed by the petitioner against this refusal was dismissed on 08.08.2018 by the first Appellate Authority. The petitioner thereupon filed an appeal before the Central Information Commission, New Delhi, but to no avail, as the same also met with failure on 26.10.2018. Hence, this writ petition.

Section 8 (1) (e) grants exemption from disclosure of information if such information is available with the person in a fiduciary capacity. Section 8 (1) (j) provides exemption from disclosure of information which relates to personal information, the disclosure of which has no relationship to any public activity or interest and which would cause unwarranted invasion of privacy of the individual concerned.

Mr. Akashdeep Singh, leaned counsel for the Insurance Company, would contend that these clauses have application in the present case. However, this Court is not persuaded to agree. The petitioner is interested in the findings recorded by the Surveyor-cum-Investigator as regards his driver's driving licence, which would have a direct impact upon his claim under the insurance policy that he holds with this company. Therefore, the Insurance Company cannot claim a fiduciary relationship with its Surveyor-cum-Investigator and deny the request of the petitioner to furnish these findings. [See (i) **Central Board of Secondary Education and**

another Vs. Aditya Bandopadhyay and another (2011) 8 SCC 497 and (ii) **Reserve Bank of India Vs. Jayantilal N. Mistry (2016) 3 SCC 525**].

Similarly, the Insurance Company cannot claim any privilege under Section 8 (1) (j) of the Act of 2005, as it is not its case that it has any relationship with the petitioner's driver, whereby it can seek to protect his privacy. The relationship, as such, is between the petitioner and his own driver and any findings with regard to the validity of the said driver's licence would be relevant information, which directly impacts the petitioner as his claim under the insurance policy is being repudiated by the Insurance Company on the strength of such information. In effect, the very information that is sought to be used against him is being denied to the petitioner!

That being so, this Court has no hesitation in holding that neither Section 8 (1) (e) nor Section 8 (1) (j) of the Act of 2005 have application to the case in hand. The petitioner would, in consequence, be entitled to have such relevant information supplied to him.

At this stage, Mr. Akashdeep Singh, learned counsel, would inform this Court that the report of the Surveyor-cum-Investigator also deals with the merits of the case put forth by the claimants of the deceased victim(s) of the accident and submit that the petitioner cannot seek such information. Mr. Arun Singla, learned counsel, fairly states that his client has no interest in such information and asserts that the petitioner only wants access to the findings recorded in the said report, reflecting upon the validity of his driver's licence.

The writ petition is accordingly allowed setting aside the orders under challenge. Consequently, there shall be a direction to the Central Public Information Officer, Oriental Insurance Company Limited, the third respondent herein, to furnish the certified extracts of the findings recorded in the report of the Surveyor-cum-Investigator touching upon and dealing with the driving licence of Yashveer Pal Singh, the petitioner's driver. It is made clear that the name of the Surveyor-cum-Investigator and the parts of the report dealing with the case of the claimants need not be supplied to the petitioner. This exercise shall be completed expeditiously and, in any event, not later than two weeks from the date of receipt of a copy of this order.

No order as to costs.

(SANJAY KUMAR)
JUDGE

October 15, 2020.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.