

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

CWP-15768-2021

Date of decision:-17.8.2021

Sukhwant Singh

...Petitioner

Versus

State Information Commission Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Ashwani Bhardwaj, Legal Aid Counsel
for the petitioner.

H.S. MADAAN, J.

Case taken up through video conferencing.

The grouse of the petitioner is that respondent – State Information Commission Punjab, Chandigarh (hereinafter referred to as the Commission) has declined his request for furnishing of information with regard to residential address of Bhag Singh, Former Registrar of State Consumer Dispute Redressal Commission, Punjab, treating it as a personal information, which is exempted from being supplied under Section 8(1)(j) of Right to Information Act, 2005 without adopting the procedure as envisaged under Section 11 of the said Act.

Section 11 of the Act, which has been referred to by learned counsel for the petitioner for ready reference is being reproduced as

under:

Section 11. Third party information.

(1) Where a Central Public Information Officer or a State Public Information Officer, as the case may be, intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within five days from the receipt of the request, give a written notice to such third party of the request and of the fact that the Central Public Information Officer or State Public Information Officer, as the case may be, intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information: Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.

(2) Where a notice is served by the Central Public Information Officer or State Public Information Officer, as the case may be, under sub-section (1) to a third party in respect of any information or record or part thereof, the third party shall, within ten days from the date of receipt of such notice, be given the opportunity to make representation against the proposed disclosure.

(3) Notwithstanding anything contained in section 7, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within forty days after receipt of the request under section 6, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information or record or part thereof and give in writing the notice of his decision to the third party.

(4) A notice given under sub-section (3) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal under section 19 against the decision.

Another grievance of the petitioner is that the order has been passed at his back without affording an opportunity of presenting his case. According to the learned counsel for the petitioner the non-appearance of the petitioner before the Commission on the date fixed was not intentional since he was not aware about the latest technology and could not put in appearance through CISCO Webex Meeting Software.

Notice of motion.

Mr.Arun Kaundal, DAG, Punjab, accepts notice on behalf of respondents.

After hearing the learned counsel for the petitioner and learned State counsel, I find that petitioner should be given an opportunity of being heard and then necessary order can be passed by the Commission in accordance with law.

Therefore, the impugned order is set aside and the Commission is directed to pass fresh order after affording an opportunity of being heard to the petitioner. The parties are directed to appear before the Commission on 31.8.2021 at 11:00 A.M. before noon.

With these observations, the civil writ petition stands disposed of accordingly.

17.8.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No