

2023:PHHC:071709

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

201

CWP-1326-2020

Date of Decision:17th May, 2023

Bhupinder Singh

.....Petitioner

Versus

State Information Commission Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present:- Mr. Tarun, Advocate for
Mr. Ferry Sofat, Advocate for the petitioner.

Mr. Charanpreet Singh, Assistant Advocate General, Punjab.

None for respondent No.2.

AVNEESH JHINGAN J.(Oral)

Petitioner has filed the instant writ petition in the nature of *certiorari* for quashing of order dated 27.11.2019 (Annexure P-11) whereby respondent No.1-The State Information Commission, Punjab imposed cost of Rs.2500/- upon the petitioner herein.

The brief facts of the case are that respondent No.2 on 18.12.2018 sought following informations under the Right to Information Act, 2005 (hereinafter to be referred to 'RTI Act') :-

1. *Total No. of vehicles challaned in each month.*
2. *Mention the registration numbers and class of the vehicles.*
3. *Mention the sections under which theses vehicles were challaned in each case.*
4. *Mention the amount of penalty recovered in cash case and also with monthly collection detail."*

The information was supplied in part. The respondent No.2 being dis-satisfied filed first appeal and thereafter the second appeal. Reply was filed by the petitioner stating that the information available was supplied to the respondent No.2 through registered post and the rest of information sought was creation of information which is not permissible under the RTI Act .

During the pendency of the second appeal, the petitioner filed an application for transfer of the appeal. During the pendency of the transfer application, a show cause notice was issued and penalty was imposed on 27.11.2019. Hence the present petition.

From the perusal of the pleadings, it transpires that without deciding the application for transfer of appeal, the impugned order was passed.

Without commenting on the merits of the case, the impugned order is set aside and the matter is remanded back to respondent No.1- Punjab State Information Commission, to decide the issue afresh after dealing with the application for transfer of the appeal.

Writ petition is disposed of.

(AVNEESH JHINGAN)
JUDGE

17th May, 2023
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No