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

CWP-5610-2021

Date of decision: 14.11.2023

EVERSTYLE HOTEL SUPPLIES INDIA PRIVATE LIMITED

...Petitioner

Versus

STATE INFORMATION COMMISSION, HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Munish Kumar Garg, Advocate for the petitioner.

Mr. Amandeep Joshi, DAG, Haryana.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent No.1 to take appropriate legal action in terms of Section 20 of the Right to Information Act, 2005 against respondent No.3 for not furnishing the complete information or by non-supplying of the requisite documents in compliance of the order dated 19.06.2020 (Annexure P-19) passed by respondent No.1.

2. Learned counsel for the petitioner has submitted that the petitioner had submitted RTI application dated 01.10.2018 (Annexure P-5), in which, the following information was sought:-

Sr. No.	Requirements	Remarks
1.	Occupation Certificate	Please Certify that the Occupation Certificate which has been issued by your office vide Memo No.1958 dated 29.06.2007 issued by STP, Cum-Chairman Building Composition Committee-Gurgaon is true and correct a) Whether this certificate has been issued before the compounding b) Or this certificate has been issued after making the compounding. c) If the compounding has been paid, please provide us the mode of payment and its details. d) Certified true copy of the inspection of this building which was last done by your office.
2.	Certified true copy of the Sanctioned Plan of whole building	Please provide us the Final Sanctioned Plan of Building after incorporating/compounding of any of the changes or alternation which has been observed by your office, during the inspection before issuance of the final occupation certificate.
3.	Copy of the completion certificate	Please provide us the certified true copy of the completion certified issued by your departments.
4.	State of the Building in the government records	Please provide us the Certified true copy, on the basis of which government has issued the licence to the legitimate Owner of the Building at the said address.
5.	Copy of the license or the name of the licensee	Please provide us the details of the License Holder of this building.
6.	Certify true copy of Deed of Declaration	Certified true copy of the deed of declaration.

3. Learned counsel for the petitioner has further submitted that since, the requisite information was not supplied thus, after availing the other remedies, the petitioner had filed the second statutory appeal before the State Information Commission, Haryana and the State Information Commissioner, Haryana, vide its order dated 19.06.2020, was pleased to

pass the following directions:-

“4. After hearing the respondent SPIOs and perusal of the case file, the Commission observed that the information on point Nos.1(d), 2, 3, 4, 5 & 6 has not been provided to the appellant. Therefore, the Commission decided the complaint/appeal case with the direction to Shri Narender Kumar, SPIO-cum-DTP (HQ) O/o DGTCP, Haryana, Chandigarh & SPIO-cum-DTP (P), Gurugram to furnish the information pertaining to the RTI application dated 01.10.2018, as per provisions of the RTI Act, 2005, to the appellant, in an attested form, free of cost, within two weeks of receipt of this order by registered post at his given address, failing which penal action will be initiated against them and compliance send to the Commission.

Heard. Announced, To be communicated.

Place: Chandigarh Sd/- (Arun Sangwan)

*Dated: 19.06.2020 State Information Commissioner,
Haryana”*

4. Learned counsel for the petitioner has submitted that in the said order, it was specifically mentioned that in case the requisite information is not supplied within two weeks from receipt of the said order then penal action would be taken against the concerned SPIO. It is also contended that thereafter, no information has been supplied and the said fact has been brought to the notice of respondent No.1 vide an application/e-mail dated 31.07.2020 (Annexure P-22) but neither any information has been supplied nor any action has been taken in the said matter thereafter. It is also submitted that at this stage, the petitioner would be satisfied in case said respondent No.1 is directed to consider the said an application/e-mail dated 31.07.2020 (Annexure P-22) in accordance with law as expeditiously as

possible and to pass an appropriate orders therefrom.

5. Learned State Counsel has submitted that respondent No.1 would consider the said application/e-mail dated 31.07.2020 (Annexure P-22) expeditiously but has prayed that before any action is taken, the concerned SPIO be given an opportunity of hearing.

6. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with a direction to respondent No.1 to consider the application/e-mail dated 31.07.2020 (Annexure P-22) and take appropriate action in accordance with law after hearing all the necessary parties as expeditiously as possible preferably within a period of nine months from the date of receipt of certified copy of the present order.

7. This Court has not opined on the merits of the case and respondent No.1 would consider and decide the said application/e-mail independently, in accordance with law.

14.11.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**