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

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CWP No. 9732-2023 (O&M)
Date of decision: 8th **May, 2023**

Suraj Bathla ... Appellant

Vesrsus

The State Information Commission and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Arun Chander Sharma, Advocate for the appellant.

Mr. Sharad Aggarwal, DAG, Haryana.

<u>AVNEESH JHINGAN, J (Oral):</u>

1. This writ petition in the nature of Mandamus is filed seeking directions to respondent No.2 to comply with order dated 16.9.2022 (Annexure P-4).

2. Brief facts are that the petitioner on 4.5.2022 filed an application seeking information with regard to the house tax bill and for inspection of house tax assessment register of Municipal Corporation. As the information was not supplied, the petitioner preferred first appeal on 15.6.2022 and thereafter, filed second appeal which was disposed of on 26.7.2022. The operating part of the order is reproduced below :-

> "*In view of the above, the case is decided with the following directions:-*
> *(i) The respondent SPIO-cum-Executive Officer, Municipal Corporation, Panipat shall furnish the complete information as per the RTI application dated 04.05.2022 to the appellant through registered post within 15 days from the receipt of this order in an attested form, free of cost, as per provisions of RTI Act, 2005.*

ii) In view of provisions of Section 20(j) of the RTI Act, 2005 after receipt of the information, the appellant can inspect the relevant record on a mutually convenient date within a week from receipt of information. After inspection the appellant can take the photocopies of relevant identified documents of his RTI application as per provisions of the RTI Act, 2005.

(iii) The appellant is at liberty to file a rejoinder to the State Public Information Officer with a copy to the Commission within 15 days from the receipt of information by raising specific observation, if any, that how the furnished information is incomplete & incorrect

(iv) After receipt of rejoinder from the appellant, the concerned SPIO & ASPIO shall respond within next 15 days under intimation to the Commission.

(v) Further, it is made clear that non-compliance of this order would attract the provisions of Section 20(1) of the RTI Act, 2005 against the respondent SPIO.

(vi) The appeal is disposed off accordingly."

3. On non-compliance of order passed by the appellate authority, the petitioner filed a complaint on 7.11.2022. The State Information Commission issued a communication to the State Public Information Officer-cum-Executive Officer, Municipal Corporation, Panipat (SPIO) for complying with the directions in fifteen days and stating that in case of failure show cause notice shall be issued under Section 20 (1) of the Right to Information Act, 2005 (for short 'the RTI Act')

4. The grievance of the petitioner is that needful has not been done.

5. From the perusal of the order passed in second appeal, it is evident that second appellate authority clarified that non-compliance of the order would attract provisions of Section 20 of the RTI Act against the

respondent.

6. Further, the communication dated 28.12.2022 reiterates that in case of failure, show cause notice shall be issued under Section 20 of the RTI Act. There is no pleadings to show that after December, 2022, the petitioner ever approached the State Information Commission alleging non-compliance or making a prayer for proceedings against SPIO under Section 20 of the RTI Act.

7. Considering that the petitioner has remedy for redressal of grievance, no case is made out for interference.

8. Petition is dismissed.

9. Since the main case has been dismissed, pending application(s), if any is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

8th May, 2023
anuradha

1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No