

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

202

CWP-22179-2023

Date of Decision: 20.11.2023

Ajaydeep Singh Khosa

..... Petitioner

Versus

Punjab State Information Commission and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Sardavinder Goyal, Advocate  
for the petitioner.

Mr. Kunal Muthreja, AAG, Punjab,  
for respondent No.1.

Mr. Himanshu Malik, Advocate  
for respondents No.2 to 4.

Mr. Sandeep Bansal, Advocate and  
Mr. Anubhav Bansal, Advocate and  
Ms. Anju, Advocate for respondent No.5.

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**VIKAS BAHL, J (ORAL)**

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 certiorari for quashing the impugned order dated 21.08.2023 (Annexure P-9) passed in Appeal No.771 of 2023 as well as challenging the order dated 19.06.2023 (Annexure P-6) issued by respondent No.1.

On 04.10.2023, the following order was passed by this Court:-

*“Inter alia contends that vide order dated 16.03.2023, the Punjab State Information Commission had observed that respondent No.5 would establish the larger public interest involved in seeking third party information on point Nos.3 and 4 as it pertains to the present petitioner who is the third party.*

*It is submitted that vide order dated 20.04.2023, although the matter was referred by the Commissioner to a Division Bench but the Division Bench vide order dated 19.06.2023 as well as vide order dated 21.08.2023 without first determining the issue that “as to whether appropriate information with respect to the petitioner which is being sought is in the larger public interest or not” has directed the respondent officials to produce the original record with respect to point No.4 along with duly attested copy of the same and has also directed the PIO to submit the attested copy of the information pertaining to point No.3 and the case has been fixed for 09.10.2023. It is further submitted that it is first incumbent upon the authorities to have considered the said issue and then pass the said directions.*

*Notice of motion.*

*Mr. Ferry Sofat, Addl. A.G. Punjab, appears and accepts notice on behalf of respondent No.1 and seeks time to get instructions.*

*Adjourned to 02.11.2023.*

*To be taken up at 12:00 pm.*

*Liberty is granted to the petitioner to serve respondent Nos.2 to 5 through dasti process as well.*

*In the meantime, the proceedings before the Division Bench of the State Information Commissioner, Punjab are stayed.”*

Learned counsel for the petitioner as well as the private respondent are *ad idem* that the impugned orders dated 19.06.2023 and 21.08.2023 be set aside and respondent No.1 be directed to re-consider the matter and to first determine the issue that “as to whether appropriate information with respect to the petitioner which is being sought is in the larger public interest or not” and then proceed further in the matter or order production of the documents.

Learned counsel appearing for the private respondent has

further submitted that the said concession should not be construed as an

estoppel against respondent No.5 from raising all pleas before the authority, in accordance with law.

Keeping in view the above said facts and circumstances and also the statement made before this Court as well as the arguments noticed in the order dated 04.10.2023, the order dated 21.08.2023 (Annexure P-9) and the order dated 19.06.2023 (Annexure P-6) are set aside and the present writ petition is partly allowed with the following directions:-

- (i) Respondent No.1 would first determine the issue “as to whether appropriate information with respect to the petitioner which is being sought is in the larger public interest or not”.
- (ii) After determining the said issue, it would be open to respondent No.1 to pass further orders in accordance with law.
- (iii) The record which has been supplied in pursuance of the impugned orders, would be returned by respondent No.1-Commission in case respondent No.1 has kept the same, to the place from where the said record has been summoned.
- (iv) This Court has not opined on the merits of the case and thus, it would be open to both the parties to raise all pleas as are available to them before the Authority and the Authority would consider the case independently, in accordance with law.
- (v) Respondent No.1-Commission is directed to proceed with the matter as expeditiously as possible.

**20.11.2023**

*D.Bansal*

**(VIKAS BAHL)  
JUDGE**

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No