

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-1669-2024
Date of decision : 25.01.2024

Arun Kumar Aggarwal

... Petitioner

Versus

The State Information Commission, Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Abhinav Aggarwal, Advocate
for the petitioner (through V. C.).

Ms. Rajni Gupta, Addl.A.G. 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 certiorari for quashing the impugned order dated 14.11.2023 (Annexure P-16) passed by the State Information Commission.
2. Learned counsel for the petitioner has submitted that the impugned order has been passed in complete non-compliance of the judgment dated 16.08.2023 (Annexure P-19) passed by this Court in **CWP-17672-2023** titled as **“Rajwinder Singh vs. State of Punjab and others”**. It is further submitted that the petitioner had given an application dated 22.05.2023 (Annexure P-1) in which information was sought on five different points. It is stated that when the requisite information was not supplied, the petitioner had filed the first statutory appeal and when the information was still not supplied, the petitioner has filed the second

statutory appeal dated 31.08.2023 (Annexure P-11) (at page 62 to 67 of the paper book). It is argued that at page 64 of the paper book, a detailed chart was prepared specifically mentioning that the information on each of the five points has not been supplied and also detailing as to what has been supplied. It is further argued that vide impugned order dated 14.11.2023, the Commission without giving a specific finding with respect to each issue, had given certain directions with respect to points 3 and 4 only and even with respect to said points, the term which has been used was “in case the same is available” and no affirmative finding has been given. It is submitted that it is incumbent upon the Commission to have considered every point and the reply filed by the authorities and in case the authority wanted to deny a particular information, then to adjudicate upon the same. It is further submitted that with respect to all the five points, information as has been given in the detailed chart in the appeal, has still not been supplied to the petitioner. Learned counsel for the petitioner has submitted that the impugned order dated 14.11.2023 be set aside and the State Information Commission, Haryana be directed to decide the matter afresh after taking into consideration the law laid down by this Court in ***Rajwinder Singh’s*** case (supra).

3. Learned State counsel has submitted that the State Information Commission, Haryana, would reconsider the matter and decide the same afresh, in accordance with law laid down by this Court in ***Rajwinder Singh’s*** case (supra).

4. This Court has heard learned counsel for the parties and has gone through the paper book.

5. This Court in ***Rajwinder’s*** case (supra), a copy of which has been annexed as Annexure P-19 along with the present writ petition, has

held as under:-

“12. This Court has found that in a large number of cases, the authorities including the first Appellate Authority {(while adjudicating the first statutory appeal under Section 19(1))} and the second Appellate Authority {(while adjudicating the second statutory appeal under Section 19(3))} under the Act, have been passing cryptic and non-speaking orders in violation of the judgments passed by the Hon’ble Supreme Court and various High Courts and also in violation of the mandate of the Act of 2005. It is, thus, found necessary to give the following directions to the first Appellate Authority and second Appellate Authority under the Act of 2005 to clearly specify the following at the time of finally adjudicating the case:-

- i) The points on which the information is sought by the applicant as per his/her application filed under the Act of 2005.*
- ii) The point-wise reply with respect to the information sought.*
- iii) A categorical finding as to whether the information on any of the points has been supplied or not and if supplied, the date on which it has been supplied.*
- iv) In case, it is the stand of the authorities from whom the information is sought that the information sought under a particular point is not to be supplied on account of any bar contained in any provisions of the Act of 2005 or for any other reason, then, after recording the said stand and after considering the submissions made by both the parties **with respect to said point/issue, return a finding with respect to the** said issue/point.*
- v) Any other observation which the authority deems fit in the facts and circumstances of the case to be recorded.*

*13. The Chief Secretary to the States of Punjab & Haryana and the Advisor to the Administrator, Chandigarh are directed to circulate the judgment passed in the present case i.e. **CWP-17672-2023** titled as **“Rajwinder Singh Vs. State of Punjab and others”** and the judgment dated **13.07.2023** passed in **CWP-1877-2022** titled as **“Gagnish Singh Khurana Vs. State of Punjab and others”** as well as the judgment dated **21.07.2023** passed in **CWP-15500-2023** titled as **“Gopal Krishan Gupta Vs. Central Information Commission and others”**, to all the authorities constituted under the Act for complying with the same.”*

A perusal of the above judgment would show that the first appellate authority as well as the second appellate authority has to give specific findings in accordance with the five points, which have been

formulated in the abovesaid judgment. A perusal of the grounds of appeal Annexure P-11 (at page 62) would show that the petitioner has drawn up a chart detailing the information which has not been supplied with respect to every point. The impugned order does not deal with each and every point and even the directions given with respect to points no.3 and 4 are not specific.

6. Keeping in view the above said facts and circumstances, the present petition is partly allowed and the impugned order dated 14.11.2023 being not in accordance with law laid down in *Rajwinder Singh’s* case (supra) passed by this Court and is accordingly set aside and the State Information Commission, Haryana is directed to redécide the appeal filed by the petitioner as expeditiously as possible preferably within a period of three months from the date of the receipt of the certified copy of the present order.

(VIKAS BAHL)
JUDGE

January 25, 2024.
Davinder Kumar

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