

CWP-3525-2024

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2024:PHHC:032849

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-3525-2024

Date of decision : 07.03.2024

Somnath

... Petitioner

Versus

State Information Commission, Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Rajesh Bansal, Advocate
for the petitioner.

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 mandamus directing the respondent no.3 to furnish the requisite information sought by the petitioner vide application dated 28.12.2021 (Annexure P-1).

2. Learned counsel for the petitioner has submitted that the State Information Commissioner had disposed of the second statutory appeal vide order dated 01.09.2022 in the following terms:-

“5. In view of the above, the case is decided with the following directions-

(i) The respondent SPIO-cum-Executive Officer, Municipal Committee, Cheeka shall furnish the complete information as per the RTI application dated 28.12.2021 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 2(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 observations, 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.*

Announced. To be communicated.

*Place: Chandigarh
Dated 01.09.2022*

*(Pankaj Mehta)
State Information Commissioner.
Haryana”*

It is further submitted that in sub clause (v), it has been stated that non-compliance of the order would attract the provisions of Section 20 (1) of the Right to Information Act, 2005 and since the said order was not complied, the petitioner filed CWP-10995-2023 which was dismissed as withdrawn vide order dated 19.05.2023 with liberty to avail remedies, in accordance with law, including approaching the State Information Commission under Section 20 of the Right to Information Act, 2005. It is stated that thereafter, the petitioner has filed an application under Section 20 of the Right to Information Act, 2005 (Annexure P-10) but no final order has been passed on the same and it is prayed that at this stage, the petitioner would be satisfied in case the State Information Commission, Haryana is directed to decide the application (Annexure P-10) in a time bound manner.

Commission would consider and decide the application (Annexure P-10) as expeditiously as possible preferably within a period of five months from the date of the receipt of certified copy of the present order.

4. Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to the State Information Commission, Haryana to consider the application (Annexure P-10) of the petitioner and decide the same, in accordance with law, as expeditiously as possible, preferably within a period of five months from the date of the receipt of certified copy of the present order.

5. It is made clear that this Court has not opined on the merits of the case and the State Information Commission would consider and decide the application independently, in accordance with law.

(VIKAS BAHL)
JUDGE

March 07, 2024
Davinder Kumar

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