



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(207)

CWP No. 3417 of 2022

Date of Decision : 24.02.2025

State Bank of India and others

...Petitioners

Versus

The Central Information Commission and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Anil Kumar Ahuja, Advocate for the petitioners.

Mr. G.S. Aulakh, Advocate for

Mr. Hitesh Malik, Advocate for respondent No. 2.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the order dated 15.11.2021 (Annexure P-21) by which, respondent No. 1 has imposed a cost of ₹10,000/- each on petitioners No. 2 and 3.

2. The argument which has been raised by the petitioners is that the information which was sought by respondent No. 2 was looked into and as per the record that surfaced, no such information which was sought by respondent No. 2 was available with the department, which fact was brought to the notice of respondent No. 2 but as he was not satisfied, he filed the second appeal under Section 19 of the Right to Information Act, 2005 before the Central Information Commission for the release of the said information.

3. As per the petitioner, even in the second appeal before Central Information Commission, the said stand was reiterated by the petitioners but without putting notice on said aspect, the Central Information Commission



recorded a finding stating therein that the information sought by respondent No. 2 was available but was not being supplied and thus, penalty of ₹10,000/- each on petitioners No. 2 and 3 has been imposed, which is arbitrary and illegal.

4. Upon notice of motion, the respondent No. 2 has appeared and submits that the lis of the order impugned dated 15.11.2021 (Annexure P-21) is between the petitioner and respondent No. 1 only.

5. I have heard learned counsel for appearing on behalf of respondent No. 2 and have gone through the record with his able assistance.

6. Once, the petitioners have taken a stand that the information sought by respondent No. 2 is not available, then unless and until it is found that either the said stand of the petitioner is incorrect keeping in view the record or mala fide, no further direction could have been given by the Central Information Commission to supply the said record. Once, the record of the information sought is not available, the same cannot be supplied which fact has not been appreciated by the Information Commission while passing the impugned order dated 15.11.2021 (Annexure P-21).

7. The penalty which has been imposed upon petitioners No. 1 and 2 can only be imposed in case, the information sought exists but was not supplied or was supplied after a delay. Once, the stand of the petitioners is consistent that the information sought by respondent No. 2 was not available still, directing them to release the said information without even recording the finding that the stand of the petitioners was incorrect or mala fide, the penalty imposed by Central Information Commission upon the petitioners

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No. 2 and 3 cannot be sustained and accordingly, the penalty imposed by the impugned order dated 15.11.2021 (Annexure P-21) is set-aside.

8. Petition is allowed in above terms.

February 24, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No