



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(210)

CWP No. 13567 of 2022

Date of Decision : 24.02.2025

M/s Goyal Construction through its Proprietor

...Petitioner

Versus

Punjab State Information Commission and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ayush Gupta, Advocate and
Mr. Kartik Sharma, Advocate for
Mr. Ferry Sofat, Advocate for the petitioner.

Mr. T.P.S. Chawla, Senior Deputy Advocate General, Punjab.

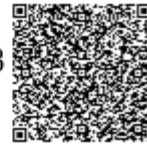
Ms. Dhamanpreet Kaur, Advocate for respondents No. 2 and 3.

None for respondent No. 4.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the order dated 31.05.2022 (Annexure P-7) passed by the State Information Commission, Punjab by which, a direction has been given to respondents No. 2 and 3 to supply the information qua the petitioner as has been sought by respondent No. 4.

2. Learned counsel for the petitioner submits that the information which was being sought for by the respondent No. 4 has been reproduced in the impugned order dated 31.05.2022 in paragraph-2, which clearly shows that the third party information was sought for by respondent No. 4, which information is related to the petitioner and as such could not have been given



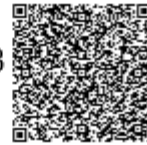
to the applicant under Right to Information Act, 2005 (hereinafter referred to as '2005 Act'). Learned counsel for the petitioner further submits that the said information has been directed by State Information Commission, Punjab to be supplied to respondent No. 4 in larger public interest while ignoring a very crucial aspect about 2005 Act that the personal information sought by respondent No. 4 is barred under Section 8 of 2005 Act.

3. Nobody has appeared on behalf of respondent No. 4 despite service.

4. Learned counsel appearing on behalf of respondents No. 2 and 3 submits that the information sought by respondent No. 4 was not being supplied to the said applicant because of it being a third party information but once the order was passed by the State Information Commission, which has been impugned in the present petition, respondents No. 2 and 3's hand are tied and they have no other option but to supply the same unless and until the said order is set-aside or modified in any manner by this Court.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. The issue which arises in the present petition for contemplation is whether, the third party information sought by respondent No. 4 can be given or directed to be given by the State Information Commission. A bare perusal of paragraph 2 of the impugned order would show that the information sought by respondent No. 4 was qua the petitioner. Once, while applying for various tenders, certain information has been given by the petitioner, the same cannot be claimed by respondent No. 4 as a matter of right because of it being a third party information. It is worthwhile to note

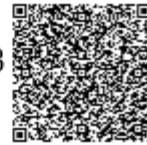


that any third party information, which a particular candidate competing for a tender has submitted, cannot be sought. This privilege has to be claimed by the Department as well as the issue regarding seeking of third party information can be raised by the third party so as to withhold the said information sought.

7. The said issue came up for consideration before the Hon'ble Supreme Court of India in Civil Appeal No. 22 of 2009 titled as ***Canara Bank Represented by its Deputy General Manager Vs. C.S. Shyam and another***, decided on 31.08.2017, wherein, even an information qua a Colleague sought with regard to the date of joining, designation, date of promotion etc., has been treated to be an exempted information under Section 8(1)(j) of 2005 Act. The relevant paragraph of the said judgment is as under :-

“13) In Girish Ramchandra Deshpande's case (supra), the petitioner therein (Girish) had sought some personal information of one employee working in Sub Regional Office (provident fund) Akola. All the authorities, exercising their respective powers under the Act, declined the prayer for furnishing the information sought by the petitioner. The High Court in writ petition filed by the petitioner upheld the orders. Aggrieved by all the order, he filed special leave to appeal in this Court. Their Lordships dismissed the appeal and upholding the orders passed by the High Court held as under:-

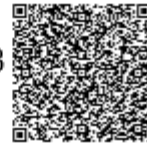
“12. We are in agreement with the CIC and the courts below that the details called for by the petitioner i.e. copies of all memos issued to the third respondent, show-cause notices and orders of censure/punishment, etc. are qualified to be personal information as defined in clause



(j) of Section 8(1) of the RTI Act. The performance of an employee/officer in an organisation is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression “personal information”, the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which would cause unwarranted invasion of privacy of that individual. Of course, in a given case, if the Central Public Information Officer or the State Public Information Officer or the appellate authority is satisfied that the larger public interest justifies the disclosure of such information, appropriate orders could be passed but the petitioner cannot claim those details as a matter of right.

13. The details disclosed by a person in his income tax returns are “personal information” which stand exempted from disclosure under clause (j) of Section 8(1) of the RTI Act, unless involves a larger public interest and the Central Public Information Officer or the State Public Information Officer or the appellate authority is satisfied that the larger public interest justifies the disclosure of such information.”

14) In our considered opinion, the aforementioned principle of law applies to the facts of this case on all force. It is for the reasons that, firstly, the information sought by respondent No.1 of individual employees working in the Bank was personal in nature; secondly, it was exempted from being disclosed under Section 8(j) of the Act and lastly, neither respondent No.1 disclosed any public interest much less larger public interest involved in seeking such information of the individual employee



and nor any finding was recorded by the Central Information Commission and the High Court as to the involvement of any larger public interest in supplying such information to respondent No.1.

15) It is for these reasons, we are of the considered view that the application made by respondent No.1 under [Section 6](#) of the Act was wholly misconceived and was, therefore, rightly rejected by the Public Information Officer and Chief Public Information Officer whereas wrongly allowed by the Central Information Commission and the High Court.”

8. In the present case also, the case relates to one where third party information is sought, as respondent No. 4 has sought information qua the petitioner, which is not permissible under the provisions of 2005 Act.

9. Keeping in view the facts and circumstances of the present case, the impugned order dated 31.05.2022 (Annexure P-7) passed by the State Information Commission directing the release of the third party information on the ground of public interest, cannot be upheld, hence the same cannot be supplied under the 2005 Act. The order is accordingly set-aside.

10. Petition is allowed in above terms.

February 24, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No