



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

CWP-13382-2018

Date of Decision : 20-01-2025

YUDHVIR SINGH

.....Petitioner

VERSUS

STATE INFORMATION COMMISSIONER HARYANA AND ORS.

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Karan Singh, Advocate
for the petitioner.

Mr. Saurabh Girdhar, AAG Haryana.

None for respondent No.3.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the imposition of penalty of Rs.25000/- upon the petitioner on the ground that the information has been delayed.

2. Learned counsel for the petitioner argues that in the present petition, the information sought was voluminous running into 7500 pages and the information could not have been supplied before the deposit of the additional/requisite amount. The amount required to be submitted by the applicant was not submitted with the department concerned and as soon as the amount was deposited, the information was supplied which fact has escaped from the notice of the Information Commission while passing the

impugned order holding the petitioner guilty of delaying the information so as to impose of penalty of Rs.25000/-.

3. Learned counsel for the petitioner further submits that the draft No.EH681311228IN dated 15.12.2017 was never submitted with the office concerned which was to supply the information and was sent to the Chandigarh hence, till the payment qua the expenses to be incurred for supply of the information reached the Department, the information could not have been supplied which fact has been ignored by the State Information Commission while holding the petitioner guilty of delay in releasing the information as asked for.

4. Learned counsel for the respondent No.1-State submits that there is no such discussion in the impugned order as to whether, the delayed information was attributable to the Department or to the applicant. Keeping in view the facts and circumstances that the information was voluminous enough and the applicant was required to deposit the amount so as to get the information released.

5. I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

6. Once, a particular argument has been raised on behalf of the officers of the Department that the delay in release of the information was not attributable to them but to the applicant, the same was required to be discussed before holding an employee guilty under Section 20 of the Right to Information Act, 2005 so as to impose penalty of Rs.25,000/- on the petitioner. The impugned order is totally silent about the said cause.

7. Further, it is the fact that the applicant was required to deposit certain amount before getting the information as the information was

voluminous resulting into 7500 pages, the draft submitted by the applicant was sent to Chandigarh and not to the concerned Department and till the petitioner received the amount, he could not have released the information, has not at all being discussed while passing the impugned order hence, the order passed by the Information Commission holding the petitioner guilty of the delay so as to impose penalty, is without discussing the actual facts.

8. Keeping in view the above, as the information has already been received by the applicant and the delay in release is not attributable to the petitioner, the imposition of penalty upon the petitioner by the Information Commission is set aside.

9. Present petition is allowed in above terms.

20-01-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE:

Whether speaking: YES
Whether reportable: NO