



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204)

CWP No. 22231 of 2019 (O&M)

Date of Decision : 29.07.2025

Hero Moto Corp Limited

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Puneet Bali, Senior Advocate with
Ms. Niharika Mittal, Advocate and
Ms. Khushi Satviki, Advocate for the petitioner.

Mr. Naveen Singh Panwar, Deputy Advocate General, Haryana.

Mr. Mayank Aggarwal, Advocate for
Mr. Dinesh Maurya, Advocate for the applicants/proposed
respondents in (CM-18525-CWP-2024).

Harsimran Singh Sethi J. (Oral)

CM-18525-CWP-2024

Present application has been filed by the applicants/ respondents No. 5 to 12 to be impleaded as a party but, as no such application was filed by the said applicants who intend to be impleaded as respondents No. 5 to 12 for seeking information before the Commission hence, they have no right to intervene in the present proceedings so as to defend the order dated 11.09.2017 (Annexure P-4) once they were not party even before the Commission at the time when the impugned order was passed. Hence, CM-18525-CWP-2024 is dismissed as, the said applicants cannot intervene to defend the impugned order dated 11.09.2017 (Annexure P-4).



CWP-22231-2019

1. In the present petition, the challenge is to the impugned order dated 11.09.2017 (Annexure P-4) whereby, the Central Information Commission has directed the Principal Secretary of the Ministry of Labour and Employment to consider the second appeal as complaint and inquire into the allegations by giving an opportunity to respondent No. 4-employee and his colleagues to represent their case and file the action taken report within a period of two months from the day of receipt of said order.

2. Learned counsel for the petitioner submits that the Right to Information Act, 2005 (hereinafter referred to as '2005 Act') has been enacted for accessing the information held by public authorities and in case, any information is to be supplied for which, any enquiry is needed, the same can be conducted by the Commission, whereas, in the present case, the second appeal has been directed to be treated as a complaint and direction has been given to the Principal Secretary of the Ministry of Labour and Employment to decide the said complaint and also place on record the action taken report.

3. Learned counsel for the petitioner submits that the same is beyond the jurisdiction of the Central Information Commission hence, the impugned order dated dated 11.09.2017 (Annexure P-4) may kindly be set-aside qua the direction given therein.

4. Notice of motion was issued. Respondent No. 4, who was the appellant before the Information Commission, was served but no one has appeared to defend the order which has been impugned by the petitioner in the present petition.



5. I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record with their able assistance.

6. As per the provisions of 2005 Act, when an appeal is preferred before the Commission, the process has been envisaged as to how the complaint filed by a person is to be dealt. Section 18 of 2005 Act, which gives the power and the functions of the Information Commission is as under :-

“18. Powers and functions of Commission.

(1) Subject to the provisions of this Act, it shall be the duty of the Central Information Commission or State Information Commission, as the case may be, to receive and inquire into a complaint from any person,.

(a) who has been unable to submit a request to a Central Public Information Officer or State Public Information Officer, as the case may be, either by reason that no such officer has been appointed under this Act, or because the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, has refused to accept his or her application for information or appeal under this Act for forwarding the same to the Central Public Information Officer or State Public Information Officer or Senior Officer specified in sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be;

(b) who has been refused access to any information requested under this Act;

(c) who has not been given a response to a request for information or access to information within the time limit specified under this Act;



(d)who has been required to pay an amount of fee which he or she considers unreasonable;

(e)who believes that he or she has been given incomplete, misleading or false information under this Act;and

(f)in respect of any other matter relating to requesting or obtaining access to records under this Act.

(2)Where the Central Information Commission or State Information Commission, as the case may be, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry in respect thereof.

(3)The Central Information Commission or State Information Commission, as the case may be, shall, while inquiring into any matter under this section, have the same powers as are vested in a civil Court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:

(a)summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things;

(b)requiring the discovery and inspection of documents;

(c)receiving evidence on affidavit;

(d)requisitioning any public record or copies thereof from any Court or office;

(e)issuing summons for examination of witnesses or documents; and

(f)any other matter which may be prescribed.

(4)Notwithstanding anything inconsistent contained in any other Act of Parliament or State Legislature, as the case may be, the Central Information Commission or the State Information Commission, as the case may be, may, during the inquiry of any complaint under this Act, examine any record to which this Act



applies which is under the control of the public authority, and no such record may be withheld from it on any grounds.”

7. A bare perusal of the above Section would show that the power to conduct the enquiry in case, the same is necessary for getting the information sought, can only be done by the Commission.

8. Further, as per Sub Section 3 of Section 18 of 2005 Act, while inquiring into a matter, Central Information Commission or the State Information Commission has the same power as vested in the Civil Court while trying a suit under the Code of Civil Procedure, 1908 in respect of certain circumstances, which makes it clear that the power to conduct the enquiry vest with the Information Commission, in the same manner as the same is vested in the Civil Court while conducting the enquiry hence, it is only the Commission, which can conduct the enquiry and the same cannot be outsourced to a third party.

9. Further, the same question of law came up for consideration before this Court in CWP No. 28458 of 2023 titled as ***Hemant Kumar Vs. State Information Commission, Haryana and others***, decided on 03.03.2025, wherein this Court after interpreting Section 18 of 2005 Act has held that it is only the Information Commission, who can conduct the enquiry and the same cannot be outsourced to the third party and no direction can be given to the third party to conduct the inquiry and submit the report to the Information Commission.



10. Keeping in view the totality of the circumstances as well as the principle of law settled in *Hemant Kumar's case (supra)*, the order passed by the Central Information Commission dated 11.09.2017 (Annexure P-4) directing the Principal Secretary of the Ministry of Labour and Employment to consider the second appeal as a complaint and to enquire and submit the action taken report, was beyond its jurisdiction.

11. Not only this, nothing has come on record that the said enquiry is needed so as to supply the information sought for. Rather, the appeal is being treated as a complaint for enquiry for the purpose which are other than for the supply of the information sought, hence, the said direction is beyond the jurisdiction of the Information Commission. The Information Commission cannot act like a Court to decide the complaints rather the only jurisdiction given is to ensure that the information as sought by an applicant.

12. Further, in the present case, the issue raised before the Information Commission was regard to the jurisdiction as to whether, the 2005 Act applies upon the petitioner or not. Till the said issue is decided and it is held that the petitioner is liable to supply the information under 2005 Act even otherwise, no jurisdiction exists with the Information Commission to direct the petitioner to supply the information without deciding the basic issue.

13. Keeping in view the totality of the circumstances, the impugned order dated 11.09.2017 (Annexure P-4) is set-aside and the consequent proceedings undertaken in pursuance to the said order are set-aside. The



case is remanded back to the Information Commission to the decide on merit keeping in view the observations made here-in-before.

14. Present petition is allowed in above terms.

15. Pending miscellaneous application, if any, also stands disposed of.

July 29, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No