

CWP-28208-2018 :1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-28208-2018 (O&M)
Date of decision : 13.01.2025

INDUSIND BANK LTD.

..... Petitioner

VERSUS

MAHAVIR SINGH AND OTHERS

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Ashwani Talwar, Advocate
for the petitioner.

Mr. Chanderhas Yadav, Advocate
for respondent No.1.

Mr. Saurabh Girdhar, AAG, Haryana
for respondents No.2 to 6.

Harsimran Singh Sethi, J. (Oral)

1. Learned counsel for the petitioner submits that the respondent No.1 had sought certain information which was supplied to him and that too after the enquiry was conducted as to whether the information supplied to respondent No.1 is genuine and correct or not.
2. Learned counsel for the petitioner further submits that the State Information Commission without appreciating that the issue had already come to an end, has again directed enquiry into the same fact i.e. whether the information given is correct or not and that too without even stating a word qua the earlier enquiry conducted and accepted that the information supplied by the petitioner is correct.
3. Learned counsel for the petitioner submits that there is no power with the State Commission to order a *de novo* enquiry after considering the fact that the city Magistrate had already conducted an inquiry.

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4. Learned counsel for respondent No.1 submits that as certain facts had come to the knowledge of respondent No.1 qua the operation of the bank from a particular place after the passing of the order, he had moved the information commission with the said material on the basis of which the further inquiry was ordered.
5. I have heard learned counsel for the parties and have gone through the case file with their able assistance.
6. Once the issue had been already closed by the State Information Commission Haryana qua the information sought by respondent No.1 and that the required information has already been extended to him and same is correct, there is no power with Commission to reopen the said issue.
7. In case respondent No.1 was aggrieved in any manner, he should have approached the higher authorities or this Court by filing a petition challenging the report of the Magistrate according to which, information supplied to the respondent No.1 is correct. The report of the Magistrate, cannot be relooked into after its acceptance by the Commission as no such provision has been cited before this Court to support that said action taken.
8. Keeping in view the above, the impugned order dated 04.12.2017 (Annexure P-8) is set aside. However, in case the respondent No.1 is aggrieved in any manner against the report of the Magistrate wherein, it has been held that information given to the respondent No.1 is correct, he can avail appropriate remedy available to him under the law.

(HARSIMRAN SINGH SETHI)
JUDGE

13.01.2025

Rimpal

Whether speaking/reasoned	Yes
Whether Reportable :	No