



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

CWP-354-2018 (O&M)

Date of decision: 02.09.2025

Sanjay Kumar Goel

....Petitioner

Versus

State Information Commission, Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Virender Kumar, Advocate,
for the petitioner.

Mr. Bhupender Singh, Addl. A.G., Haryana.

KULDEEP TIWARI, J. (Oral)

1. By way of instant writ petition, as cast under Articles 226/227 of the Constitution of India, a Certiorari is prayed for, to quash the order dated 15.11.2017 (Annexure P-9), passed by the State Information Commission, Haryana-respondent No.1, vide which, second appeal preferred by the petitioner, under the Right to Information Act, 2005, (for short, 'the Act') has been disposed of.

2. Learned counsel for the petitioner submits that, though the learned State Information Commission has opined that there was, indeed, a delay in supplying the information sought for, but no action in this regard has been taken. He further submits that in such circumstances, the petitioner ought to have been compensated in terms of Section 20 of the Act, by imposing a penalty upon the erring officers/officials. Accordingly, it is urged that the impugned order is liable to be set aside,



thereby, adequately compensating the petitioner for the delayed information, in terms of the provisions of the Act.

3. This Court has heard learned counsel for the parties, and perused the records.

4. To put the entire controversy in a narrow compass, the short ground, upon which, entire case of the petitioner is predicated is: non adherence of Section 6 and 20 of the Act.

5. The applicant-petitioner filed an application under the Act, seeking requisite information, way back on 28.02.2017, and accordingly, he was supplied with the information, though after some delay. However, it is imperative to point out that so far as the issue of supply of incomplete information is concerned, the same was never pressed/raised before the learned Commission. Even today, learned counsel for the petitioner is not able to refute the abovesaid factual aspect of the matter.

6. On consideration of the matter, the learned Commission, in its order, categorically recorded that the State Public Information Officer-cum-Deputy Superintendent, office of the Deputy Commissioner of Police, Karnal, tendered explanation that the delay in supplying the information occurred on account of deployment of staff for maintaining law and order situation in Jat reservation agitation. Accordingly, the explanation (supra), was found plausible by the Commission, and thus, did not impose any penalty. The relevant paragraph No.3 and 5 of the impugned order, is extracted hereinbelow:-

“3. The respondent SPIO submitted that the complainants RTI application dated 28.02.2017 was received on 01.03.2017. Information was furnished to the



complainant vide letter dated 19.05.2017 after obtaining it from the custodians of record i.e. SHO, Police Station, Ghraunda and Licence Clerk Officer of the Superintendent of Police, Karnal. Point 3 was transferred under Section 6(3) of the RTI Act, 2005 to the SPIO-cum-Deputy Superintendent office of the Deputy Commissioner of Police, Karnal. The respondent SPIO explained that the information could not be furnished to the complainant within the stipulated time period due to deployment of the staff for maintaining of law and order in Jat reservation agitation. He regretted the delay in furnishing the information.

5. The Commission heard the averments of both the parties and perused the record placed on the case file. The Commission noted the averments of the complainant and submissions of the respondent-SPIO. The respondent SPIO explained the reasons for delay. The Commission noted the explanation of the respondent SPIO. The complainant insisted to initiate penal action against the respondent SPIO for his negligent attitude. In this context, it is also important to read Section 20(1) of the RTI Act. The Section 20(1) provides:

“where the ... the State Information Commission, at the time of deciding any complaint or appeal is of the opinion that ... the State Public Information Officer has without any *reasonable cause*, refused to receive an application for information or has not furnished information within the time specified under subsection (1) of Section 7 or *malafidely denied* the request for information or *knowingly* given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or



information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees; provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him.”

The Commission observed that imposition of penalty does not follow every violation of the Act but only such violations which are without reasonable cause or intentional or malafide. In this case, no malafide intention of the respondent-SPIO is found. The delay in providing information has also been adequately explained.

7. After carefully analyzing the matter in issue, as also the explanation tendered by the officer concerned, this Court finds no reason to take a different view, thereby interfering with the well reasoned order passed by the learned Commission. The petitioner has since been supplied with the requisite information sought for. Moreover, the object sought to be achieved by virtue of the Act is only to provide information to the applicants, and to maintain transparency in the functioning of the Public Authorities, and not undue enrichment of the applicants

8. In view of the above, the writ petition is **dismissed**.

(KULDEEP TIWARI)
JUDGE

02.09.2025
Ak Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No