



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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(1) LPA-2829-2025 (O&M)
Date of Decision: 14.10.2025

Thapar Institute of Engineering and Technology, Patiala
....Appellant
Versus
State of Punjab and others
....Respondents

(2) LPA-2830-2025 (O&M)
Thapar Institute of Engineering and Technology, Patiala
....Appellant
Versus
State of Punjab and others
....Respondents

(3) LPA-2832-2025 (O&M)
Thapar Institute of Engineering and Technology, Patiala
....Appellant
Versus
State of Punjab and others
....Respondents

(4) LPA-2833-2025 (O&M)
Thapar Institute of Engineering and Technology, Patiala
....Appellant
Versus
State of Punjab and others
....Respondents

(5) LPA-2834-2025 (O&M)
Thapar Institute of Engineering and Technology, Patiala
....Appellant
Versus
State of Punjab and others
....Respondents



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**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Rajiv Atma Ram, Senior Advocate with
Mr. Rajat Khanna, Advocate
for the appellant.

Mr. Rahul Rampal, Additional Advocate General, Punjab.

Mr. R.S.Bains, Senior Advocate with
Mr. Inderpal Singh Deol, Advocate and
Mr. Sarabjot Singh Cheema, Advocate
for the respondents.

Harsimran Singh Sethi, J. (Oral)

1. In the present bunch of petitions, the challenge is to the impugned order dated 08.09.2025 passed in CWP-19628-2018 by the learned Single Judge, by which, the appellant herein has been directed to file a specific affidavit informing the Court as to how much Government Aid has been received by the appellant-university during the period from 1985 to 2004 from the State Government and how much aid has been received by the appellant from 2004 to 2011 from the University Grants Commission (UGC), so as to decide the issue that whether, the appellant will fall under the definition of public authority under the Right to Information Act, 2005 (for short, 'RTI Act') for the supply of the information as being asked by the private respondents herein.

2. The Learned Senior Counsel appearing on behalf of the appellant submits that first of all, the claimant, who is seeking information has to stand upon his own legs and has to supply the said data so as to prove that the appellant is covered under the definition of "public authority" as mentioned in



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the RTI Act rather than, the Court directing the appellant institute to give such information. The reliance is being placed upon the judgment of the Hon'ble Supreme Court of India in **Civil Appeal No.9017 of 2013** titled as **Thalappalam Ser. Coop. Bank Ltd. and others vs. State of Kerala and others**, decided on 07.10.2013, as well as in **LPA-1136-2017** in **CWP-22748-2016** titled as **Paramjit vs. State Information Commission and others**, decided on 29.01.2018, by the Coordinate Bench of this Court.

3. The Learned Senior Counsel for the appellant further submits that the impugned interim order passed by learned Single Bench infact amounts to directing the appellant to furnish such information which is likely to be used against the appellant itself and therefore, the said order directing to furnish said information is causing prejudice to the appellant.

4. The Learned Senior Counsel for the appellant further submits that the impugned order has been passed by the learned Single Judge keeping in view certain observations made in the order impugned in the writ petition dated 26.06.2018 (Annexure P-16) passed by the Punjab State Information Commission, wherein, certain data has been made part of the said order, which data has been attributed to the appellant, which fact was disputed by the appellant hence, keeping in view said facts, the direction given by the learned Single Judge by the impugned order, in the facts and circumstances of the present case to file an affidavit, so as to give details of finding, so as to adjudicate that whether the appellant is covered under the RTI Act under the definition of "public authority", so as to supply the information sought under the RTI Act may kindly be set aside.

5. The Learned Senior Counsel appearing on behalf of the



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respondents submits that once, the Tribunal has given certain details in paragraph 16 of the order dated 26.06.2018 (Annexure P-16) passed by the Punjab State Information Commission, which detail/information has been attributed to the appellant herein, disputing that said information was not furnished by appellant, is incorrect especially when, in the writ petition filed challenging the said order dated 26.06.2018 passed by the State Information Commission, the petitioner therein, who is appellant herein, itself has given clarification qua the said information in paragraph 30 (E) (i) (c) of paper book which averment clearly goes to show that the data/information qua funds received by appellant as has been recorded by the Punjab State Information Commission in the impugned order in the writ petition, stands conceded by the appellant.

6. Rebutting the said argument of the Learned Senior counsel for the respondents, the Learned Senior Counsel appearing on behalf of the appellant submits that an affidavit has already been filed in the writ petition, stating therein that the supply of data as was attributed to the appellant in the impugned order in the writ petition, was never supplied by the appellant at any given point of time to the Commission hence, the observation of the learned Single Judge in the impugned judgment that the data mentioned in paragraph 16 of the order dated 26.06.2018 (Annexure P-16) passed by the Punjab State Information Commission, is being disputed, is perfectly correct.

7. The learned Senior Counsel appearing on behalf of the appellant further submits that in case any such information was required for, the same should have been asked from the Government or the University Grants Commission (UGC) rather than directing the appellant to furnish the same.



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8. We have heard the Learned Senior Counsels appearing on behalf of the respective parties and have gone through the record with their able assistance.

9. Before deciding the issue as raised in the present appeals, it may be noticed that the issue before the learned Single Judge revolves around the issue that whether, the appellant is covered under the definition of public authority or not as envisaged under the RTI Act, so as to supply the information as is being sought for by the respondents herein.

10. The RTI Act has been made so that there is transparency in the working of the institutions which are covered under the RTI Act. The Punjab State Information Commission by placing reliance upon certain data, has recorded the finding that the appellant is covered under the definition of “public authority” under RTI Act and is thus bound to supply the information as is being sought for by the respondents herein, which issue raised in the writ petition by the appellants is to be decided by the learned Single Judge on merits keeping in view the fact brought on record in the writ petition.

11. The Punjab State Information Commission while passing the order dated 26.06.2018 (Annexure P-16), impugned in the writ petition, in paragraph 16, has recorded certain data, stated to have been supplied by the appellant, which shows that appellant has received certain aid from the Government of India. The said data has been noticed by the Information Commission so as to reach the conclusion by keeping in view the settled principle of law that where an institution has received substantial grant as aid from the Government, the said institution has to be treated having been covered under the provisions of RTI Act so as to make the institution fall



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under the definition of “public authority”.

12. Once, a particular data, which has been relied upon by the Punjab State Information Commission to record a particular finding is being disputed by the appellant to the extent that same has not been supplied by them, and in the absence of the relevant data furnished before the writ Court, the findings on the issues raised in the writ petition cannot be recorded by the learned Single Judge qua the status of the appellant as to whether it will fall under RTI Act, though, it might be the duty of the respondent to provide such information but High Court under Article 226 of the Constitution of India does have the jurisdiction to seek such data from the appellant in order to satisfy its conscious so as to record a finding whether, the appellant is covered under the definition of “public authority” under RTI Act or not.

13. It would be untoward to say that the High Court cannot seek particular information from a particular litigating party so as to decide the issue in hand. Hence, even if the onus of supplying the information is on the claimant, who is seeking information from a particular institution but, once a particular finding has been recorded by the Punjab State Information Commission that the appellants are covered under the RTI Act to the supplying information, when the said order is impugned, the competent Court of law i.e. the learned Single Judge, has full authority to seek such information required to pass appropriate order so as to decide the issue pending before it.

14. In the exercise of the said jurisdiction, the information has been asked from the appellant to be supplied, which information asked by High Court cannot be refused only on the ground that the onus of supplying supply such information is upon the respondent, who concededly is only the



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complainant before the Punjab State Information Commission so as to seek information from the appellant under the RTI Act.

15. Further, the impugned judgment dated 08.09.2025 has been passed by the learned Single Judge on the ground that the data which has been noticed by the learned Single Judge in paragraph 16 of the impugned order dated 26.06.2018 (Annexure P-16) passed by the Punjab State Information Commission was contended by appellant to have been never supplied by them, though qua said data, a finding has been recorded by the Information Commission that the same has been supplied by the appellant, it is only under these circumstances such a situation arose wherein the Court had to seek said data so as to decide the issue pending before the learned Single Judge in the writ petition.

16. Further, the averments which have been made by the appellant in the writ petition challenging the order dated 26.06.2018 (Annexure P-16) passed by the Punjab State Information Commission, the certain averments have been made in paragraph 30 (E) (i) (c) of the paper book, the same are as under:

*“c. That it is further submitted that it is a settled proposition of law that the expression ‘**Substantially Financed**’ u/s 2(h)(d) (i)&(ii) indicate that the degree of financing must be actual, existing, positive and **real to substantial extent, not moderate, ordinary, tolerable etc.** That merely providing subsidiaries, grants, exemptions, privileges etc, as such, cannot be said to be providing funding to a substantial extent, unless the record shows that the funding is so substantial to the body which practically runs by such funding and for such funding, it would struggle to exist. That the grants as received by the petitioner*



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institute during the years as mentioned in paragraph 16 of the order dated 26.06.2018 are clarified herein below:

Year	Amount (Rs.)	Funds received from	Purpose	Annual Budget of the Institute
1996-97	62,29,783	Funds from Patiala Technical Education Trust (PTET), Central Govt. through PTET	Assets, Tube Well, NCC Block Building, Swimming Pool, Building etc.	6,19,36,000
1997-98	72,55,411	Industry Institute Interaction, MORDROB, Punjab Govt. UGC 9 th plan	Continuing Education program, Furniture and Fixture, Office Equipment, upgradation and computer centre, books and library, Research Grant, Tube well, other works etc.	6,98,88,000
1998-99	30,65,000	UGC 9 th Plan	Continuing education program, Books and library equipment, UGC Infflibnet, Continuing education program, MORDROB	10,72,81,000
1999-90	1,51,40,420	Central Govt and UGC	Continuing Education Program, Books and library equipment, Research Grant, Self-sustainability scheme, UGC Infflibnet, etc.	12,27,95,000
2000-01	2,06,27,790	Central Govt and UGC	Continuing education program, Research grant, Industry Institute Interaction UGC grant for Library equipment building girls hostel, UGC Infflibnet, ILTS, VLSI UGC Inffonet etc.	15,28,36,000
2001-02	1,24,10,804	Central Govt and UGC	UGC VIIIth Plan, UGC grant for building salary computer centre, Grant under MORDROB, UGC Infflibnet, ILTS, VLSI, UGC Inffonet, EDC Research grant	17,12,60,000



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2002-03	2,60,79,004	Central Govt, UGC and Punjab Govt	UGC Xth Plan, Grant under MORDROB, UGC Inflibnet, ILTS, VLSI, UGC INfonet program, Research grant	16,60,00,000
2003-04	1,72,03,000	Central Govt and UGC	UGC Xth Plan, Grant under MORDROB UGC Inflibnet, ILTS, VLSI, UGC INfonet program, Research grant, Books grant, etc	17,97,00,000
2004-05	1,64,92,000	Central Govt and UGC	UGC Xth plan, UGC INFONET program, Research grant	19,69,50,000
2005-06	65,58,000	Central Govt and UGC	UGC Xth plan, Research grant	24,40,50,000
2006-07	41,18,537	Central Govt and UGC	UGC Xth plan, M.Tech/M.S. Program (Physic & Material Science)	29,95,25,000
2007-08	1,30,50,000	Central Govt and UGC	UGC – XIth plan, Construction of Girls Hostel etc.	55,15,92,000
2008-09	1,94,15,000	Central Govt and UGC	UGC – XIth plan, Construction of Girls Hostel, Building & works and for computer centre etc.	78,79,45,000
2009-10	38,40,000	Other Grants	Computer centre	72,10,03,000
2010-11	49,80,000	UGC	UGC – XIth plan and computer centre grant	77,92,66,000

That is evidently clear from the above stated that the grants as mentioned hereinabove were one time grants and not towards the maintenance of the petitioner Institute. This was Grant-in-Aid and **cannot be said to be funding to a substantial extent.** Therefore the order of the Ld. Commission (**Annexure P-16**) is totally contrary to law and hence unsustainable. That the annual budget of the petitioner Institute for the Financial Year 2016-17 was Rs.324,03,35,000 (Rupees Three Hundred Twenty Four Crores Three lacs Thirty Five Thousand Only). That the Income-Tax return for the financial year 2017-18 of the petitioner



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*Institute is annexed herewith as **Annexure P-20.***

17. A bare perusal of the above reproduction would show that a large part of the information which is being sought by the learned Single Judge has already been given by the petitioner in the said writ petition itself by way of clarifying the data, which was attributed to the appellant by the Information Commission in the impugned order dated 26.06.2018. Once the said information has been given by the appellant itself so as to clarify the same, the same could have been relied upon by the learned Single Judge to reach to a correct decision.

18. Further, in case, the said information needs to be corroborated in view of the fact that same was disputed by appellant to have been supplied by them, asking of an affidavit from the appellant so as to verify the data and reach a valid conclusion cannot be treated as arbitrary or illegal or beyond the jurisdiction of the Court exercising jurisdiction under Article 226 of the Constitution of India.

19. The Learned Senior Counsel appearing on behalf of the appellant submits that while passing the impugned judgment dated 08.09.2025, the learned Single Judge has asked for the data which is beyond the data which has been given by the Punjab State Information Commission in the impugning order dated 26.06.2018 (Annexure P-16).

20. It may be noticed that the issue which needs to be decided is that whether the appellant is covered under definition of “public authority” under the RTI Act or not. Only to decide the said issue that the period for which data is being sought for has been enlarged from 1985 onwards till 2004 qua the grant in aid given by the State Government and with regard to the University



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Grants Commission (UGC) the data qua the grant received for the period starting from the year 2004 to 2011. It shall be noted that the same will not amount to enlarging the issue rather the same has been sought to decide the issue that whether, the appellant is covered under the definition of “public authority” under RTI Act or not.

21. The last argument raised by the Learned Senior Counsel for the appellant is that the learned Single Judge could not have cured the order passed by the Punjab State Information Commission so as to seek information.

22. It may be noticed that the order passed by the Punjab State Information Commission impugned in the writ petition is not being cured rather, the information is being sought for so as to test this argument of the appellant that the order dated 26.06.2018 (Annexure P-16) is not valid. Seeking an affidavit from the appellant to ascertain actual facts which exists so as to decide upon the issue that whether the appellant is covered under the definition of “public authority” under the RTI Act or not, cannot be treated as beyond the jurisdiction of the High Court.

23. It may be noticed that in one of the LPA bearing No.2834 of 2025, the said issue was not raised with regard to ascertaining of the fact that whether the appellant is covered under the definition of “public authority” under RTI Act or not but as, an order was passed by the learned Single Judge which has been impugned in the said LPA, the same has been challenged. Once, the impugned order raised by the learned Single Judge has been upheld qua the other L.P.A’s, the said order, though will be immaterial for the purpose of the LPA No.2834 of 2025. As all the appeals are being tagged together to be decided, no further order is required to be passed by this Court



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in LPA No.2834 of 2025.

24. Keeping in view of the above, no ground is made out for any interference by this Court qua the impugned order dated 08.09.2025 passed by the learned Single Judge in the facts and circumstances of the present case.

25. Accordingly, the present appeals are dismissed.

26. Pending application(s), if any, stands disposed of.

27. Photocopy of this order be placed on the files of other connected cases.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

October 14, 2025

Varinder

Whether speaking/reasoned : Yes

Whether reportable : No