



CWP-9352-2024

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

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**CWP-9352-2024 (O&M)
Date of decision : 13.02.2025**

BALJIT SINGH

..... Petitioner

VERSUS

STATE INFORMATION COMMISSION, HARYANA AND ORS.

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Surinder Singh Duhan, Advocate
for the petitioner.

Mr. Gaurav Jindal, Additional AG, Haryana.

Mr. S. K. Verma, Advocate
for respondent No.4.

Mr. Rishi Pal Chaudhary, Advocate
for respondents No.6 and 7.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that the petitioner has been made liable to pay the penalty vide impugned order dated 07.02.2024 (Annexure P-13) though, no information was sought by the complainant-respondent No.4 from the petitioner i.e. the Sarpanch of the village but the same was only sought from the Block Development and Panchayat Officer, hence, making the petitioner liable for the penalty under Right to Information Act, 2005 is incorrect keeping in



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view the facts and circumstances of the present case.

2. Learned counsel for the petitioner submits that after the complainant-respondent No.4 had sought certain information from the Block Development and Panchayat Officer, the petitioner received a letter for supplying of the information but as the information was voluminous running into more than 3000 pages, till the amount was to be deposited by the complainant, the information could not have been released but still, ignoring all these facts, the penalty has been imposed upon the petitioner which is liable to be set aside.

3. Learned counsel appearing on behalf of complainant-respondent No.4 submits that though he had sought information from the Block Development and Panchayat Officer concerned but as the information was to be given by the petitioner even to the said Block Development and Panchayat Officer, the same was not released, which has led to the passing of the impugned order of imposing penalty upon the petitioner which is perfectly valid and legal. Learned counsel for the complainant-respondent No.4 further submits that he was never informed about any payment to be made and hence, plea taken that the amount was not deposited by the complainant-respondent No.4, is incorrect.

4. I have heard learned counsel for the parties and have gone through the case file with their able assistance.

5. It is a conceded fact that the information was sought by the complainant from the Block Development and Panchayat Officer concerned and not from the Sarpanch i.e. the petitioner. In the absence of any



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information being sought from the petitioner, the petitioner could not have been made liable for any penalty directly.

6. With regard to the non-grant of information sought by Block Development and Panchayat Officer from the petitioner, it may be noticed that the petitioner never shirked to supply the information but as the information was voluminous running into 3000 pages, the complainant-respondent No.4 was required to file the appropriate fees for the same. As per the petitioner, the said fact was conveyed to the Block Development and Panchayat Officer, but in case, the same has not been forwarded to the complainant-respondent No.4, the petitioner cannot be made liable for the same. Any inaction on the part of the Block Development and Panchayat Officer cannot be fastened upon the petitioner to pay the penalty.

7. Keeping in view the above mentioned facts, the penalty imposed upon the petitioner vide the impugned order dated 07.02.2024 (Annexure P-13) is set aside.

8. As the complainant had sought certain information, in case, some payments are to be made by the complainant-respondent No.4 to secure the information, let the Block Development and Panchayat Officer concerned forward the said requirement of deposition of the money to the complainant-respondent No.4 within a period of four weeks from the receipt of certified copy of this order and in case, the complainant-respondent No.4 complies with the said direction, the information sought by him be released within a further period of four weeks.

9. The present petition is allowed in the above terms.

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10. Pending applications, if any, also stand disposed of accordingly.

**(HARSIMRAN SINGH SETHI)
JUDGE**

13.02.2025

Rimpal

Whether speaking/reasoned	Yes
Whether Reportable :	No