



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(213)

CWP No. 9078 of 2022 (O&M)

Date of Decision : 16.01.2025

B.N. Bharti

...Petitioner

Versus

State Information Commission, Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Bikram Chaudhary, Advocate for the petitioner.

Mr. Saurabh Girdhar, Assistant Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is qua the imposition of penalty under Section 20 of the Right to Information Act, 2005 by passing the impugned order dated 31.12.2020 (Annexure P-6).

2. Learned counsel for the petitioner submits that the application under Right to Information Act, 2005 was received on 22.04.2019 (Annexure P-1) for which information was supplied on 26.07.2019 (Annexure P-2). Learned counsel submits that being dissatisfied with the grant of the said information, the applicant approached the State Information Commission, Haryana for supply of the full information and ultimately, a show cause notice was given by the respondent No. 1 to the petitioner on 13.02.2020 (Annexure P-4) by respondent No. 2 as to why the penalty should not be imposed under Section 20 (1) of the Right to Information Act, 2005 as the information sought was supplied after a delay of more than 100 days.



Learned counsel submits that there was no intentional delay, hence, the penalty imposed is liable to be set-aside.

3. I have heard learned counsel for the parties and have gone through the record with their able assistance.

4. Once, it is a conceded position that the information was not supplied within the time frame and there is a delay of 100 days in supplying the information, the jurisdiction exists with the State Information Commission, Haryana to impose the penalty under Section 20 of the Right to Information Act, 2005, which has been imposed upon the petitioner after following due process of law.

5. It is not a case where the petitioner was to collect information from different departments which were not under him so as to condone the delay.

6. In the present case, the information ultimately supplied was available within the same office where the petitioner was working, hence, the penalty imposed for delay in supplying the information, cannot be treated to be arbitrary, illegal or contrary to the facts.

7. No ground is made out for any interference by this Court in the present petition.

8. Dismissed.

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

January 16, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No