

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.

Ph: 0172-2864101, Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com



Sh. Abhishek Duggal

S/o Sh. Jagmohan Duggal
Excise Officer, State of Punjab,
R/o D/50, Wave Estate, sector-85,
Mohali
(M:9814082132)

....Appellant

V/s

Public Information Officer,

O/o Addl. Chief Secretary cum
Financial Commissioner (Taxation),
Punjab, Chandigarh

First Appellate Authority,

O/o Addl. Chief Secretary
Excise and Taxation Department,
Punjab, Chandigarh

...Respondents

Appeal Case No. 7458 of 2024

Present : Sh. Abhishek Duggal, the appellant with his Counsel, Sh. Ajay Jagga (9814082132)
Sh. Mohan Singh, PIO (9872179338) along with Sh. Makhan Singh, Senior Assistant (8196097263) on behalf of the respondent.

ORDER

The RTI application is dated 08.09.2024 vide which the appellant sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority on 28.10.2024 and Second appeal has been received in the Commission on 19.12.2024 under Section 19 of the Right to Information Act, 2005. Notice of hearing was issued to the parties for today i. e. 2.1.2025.

2. The respondent reiterated the submissions already sent to the appellant that the information sought cannot be supplied to the appellant in accordance with Section 8 (1) (h) of the RTI Act, 2005.

3. The Section 8 (1) (h) provides:

“8. (1) (h) information which would impede the process of investigation or apprehension or prosecution of offenders;”

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4. On asking particularly how the information sought would impede the process of investigation, no satisfactory response is given by the respondent. However, the Counsel of the appellant pleaded that the challan has already been filed in the Court in FIR No. 8 dated 21.08.2020. He further clarified that the Vigilance Department has already completed the inquiry and the charge sheet has already been filed in the Court. He further submits that the sought information is related to the period prior to the Prosecution Sanction Order and further contended that the directions may be issued to the respondent to supply the complete information as Section 8 (1) (h) is not applicable in this case.

5. After hearing the contentions made by the parties, the respondent PIO is directed to make available the record for the inspection of the appellant pertaining to Point No. 3, 10, 11 and 12 on 03.01.2025 between 11:00 AM to 04:00 PM. The appellant is at liberty to take the Counsel along with him, if so desires, for the inspection and the respondent PIO is directed to make available the record for inspection related to the RTI application. Any defiance of this order will be viewed seriously.

6. With regard to Point No. 1, the PIO, O/o the Vigilance Bureau is impleaded as necessary party in this case as the RTI application has already been sent to the Vigilance Bureau Punjab. A copy of the RTI application is **being sent** to him along with this order. It is also a fact that the RTI application of the appellant pertaining to Point No. 8 of the RTI application was sent to the PIO, O/o Personnel Department, as such the respondent PIO is directed to file an undertaking that no information is available in this regard.

7. To come up on **08.01.2025 at 11:30 AM at Chandigarh.**

Date:02.01.2025

G

(Inderpal Singh)
Chief Information Commissioner
Punjab

CC:

Public Information Officer,
O/o Chief Director,
Vigilance Bureau,
Sector 68, SAS Nagar (Mohali)

Encl. RTI application

2/2