

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864111, Visit us @ www.infocommpunjab.com,
Email: psic21@punjabmail.gov.in



FINAL ORDER

Rohit Sabharwal,
126, Model Gram, Kundan Bhawan,
Ludhiana-141002

Versus

Public Information officer,
o/o XEN, B&R, Zone D,
Municipal Corporation,
Ludhiana.

Public Information officer,
o/o Municipal Corporation, Headquarters,
Zone A, Ludhiana.

First Appellate Authority,
Commissioner,
Municipal Corporation,
Ludhiana.

Appeal Case No. 5653 of 2021

PRESENT:

(Appellant) Absent

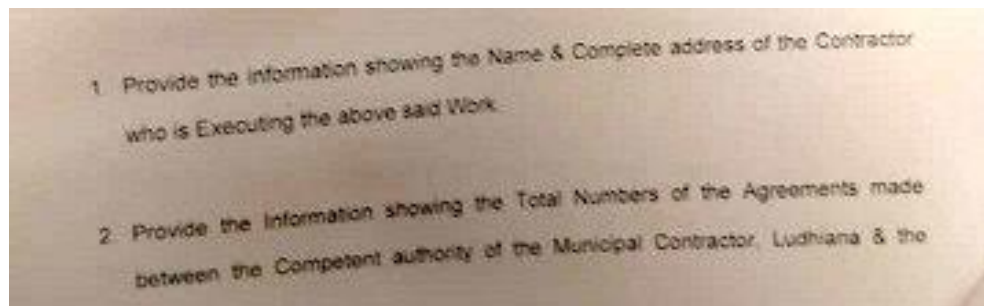
Sanjeev Sharma, PIO-cum-XEN from Zone D (Respondent) 97800-39448

Rupinder Singh, JE from Zone D (for the Respondent) 78371-00158

ORDER:

(To be read in continuity with earlier orders on 2.9.2022)

1. The RTI application is dated **21.8.2021** vide which the appellant has sought information:



Contd....2

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Contractor as asked in Point No.1 of the Application. This information is required from 01.01.2015 to Till date.

3. Provide the Copies of all the Agreements along with Complete NIT & Tender Documents Containing Terms & Conditions made between the Competent authority of the Municipal Contractor, Ludhiana & the Contractor as asked in Point No.1 of the Application. This information is required from 01.01.2015 to Till date.

4. Provide the Copies of Form- 111, Form - V or any other document which was issued to the Contractor as asked in Point No. 1 for the Issuance of Labour License. This information is required from 01.01.2015 to Till date.

5. Provide the Copies of Labour License (issued by the Concerned Labour Department) of the each Agreements, Contract made between the Competent authority of the Municipal Contractor, Ludhiana & the Contractor as asked in Point No.1 of the Application. This information is required from 01.01.2015 to Till date.

6. Provide copy of the Contract Ledger of the Contractor as asked in Point No.1 of the Application. This information is required from 01.01.2015 to Till date.

7. Provide the relevant documents showing the payment made by the Municipal Corporation, to Contractor as asked in Point No.1 from the period 2015-16, 2016-17 & 2017-18, 2018-2019, 2019-20, 2020-21 & 2021-22.

8. Provide the relevant documents showing the EPF & ESI number of the said Contractor as asked in Point No.1

9. Provide the relevant documents showing the enlistment of the Contractor as asked in Point No.1 with the Municipal Corporation, Ludhiana.

10. Provide copies of the EPF & ESI Challans by the virtue of which the Contractor as asked in Point No.1 has deposited EPF & ESI of his workers with the concerned departments. This information is required from the period 01.01.2015 to till date.

11. Provide the relevant document showing the GST number of the Contractor as asked in Point No.1.

12. Provide the Copies of the Latest Bills (Running Bill, Final Bill) given/submitted by the Contractor as asked in Point No.1 to the Municipal Corporation, Ludhiana. This information is required from the period 01.01.2021 to till date.

13. Regarding the Contractor as asked in Point No.1 Provide the Date and Time for the Inspection of Complete Information Original Records/ Files (within the meaning of Section- 2 (f) read with Section- 2 (j) of the RTI Act, 2005.) regarding the entire work executed relating to the Bitumen (whether its carpeting, re-carpeting of the roads etc.), RCC & Interlocking Tiles executed under the Jurisdiction of the Zone -

as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **25.9.2021** and Second Appeal was filed in the Commission on **14.12.2021** under Section 19 of the Right to Information Act, 2005. The case was last heard on **2.9.2022**.

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2. The appellant is absent. The respondent PIO-cum-XEN, B&R, Zone-D, Sh. Sanjeev Sharma, has submitted a reply to the commission vide Letter No. 122 Dated 15.11.2022, wherein, he has once again stated that the information requested by the appellant at point no. 1 to 13 of his RTI application is (1) not available in the format requested and (2) would involve searching and collecting a large volume of documents. The PIO has sought exemption from disclosing the requested information citing an Order of the Hon'ble Supreme Court of India:

"THE HON'BLE SUPREME COURT OF INDIA in CIVIL APPEAL NO. 6454 OF 2011 (Arising out of SLP (C) No.7526/2009) in the cases of Central Board of Secondary Education & Anr. Vs. Aditya Badoadhyay & Ors. Held the..... The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the Peace, tranquility and harmony among citizens. Nor Should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicant instead of discharging their regular duties. The threat of penalties under the PTI act and the pressure of authorities under the RTI act Should not be lead to employees of a public authorities prioritizing information Furnishing at the cost of their normal and regular duties."

3. The Commission has examined the RTI application and herewith upholds the respondent PIO's claim for exemption as per the Section 7(9) of the RTI Act, 2005, as well as the cited Judgment.

4. This Appeal is accordingly **Disposed of.**

Sd/-
(ASIT JOLLY)
State Information Commissioner, Punjab.

Chandigarh
17.11.2022