

PUNJAB STATE INFORMATION COMMISSION
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Sh.Bhagwant Singh, S/o Sh.Sukhdev Singh,
R/o village Ageta, Tehsil Nabha,
Distt Patiala.

... Complainant

Versus

Public Information Officer,
O/o Chairman, PSPCL,
The Mall, Patiala.

...Respondent

Complaint Case No. 898 of 2019 and 910 of 2019

PRESENT: None for the Complainant
None for the Respondent

ORDER:

The complainant through RTI application dated 25.07.2019 has sought information regarding action taken on complaints dated 15.06.2019 filed against Partap Singh and Bhagat Singh and other information concerning the office of Chairman, PSPCL, The Mall, Patiala. The complainant was not provided the information after which the complainant filed a complaint in the Commission on 07.10.2019.

The case was first heard on 18.02.2020. The respondent present in CC-898/2019 pleaded that since the enquiry is pending and the information will be provided after the enquiry is completed. The Commission also received a letter on 10.2.2020 from the PIO-cum-Dy Chief Engineer/Enforcement, PSPCL Patiala stating that the enquiry is pending and the reply has been sent to the complainant vide letter dated 02.08.2019.

The commission observed that the complainant had also filed another complaint case No.910/2019 for seeking exactly the same information from the office of SDO(Rural)PSPCL Nabha. In this case, the Assistant Executive Engineer, Sub-Division(Rural) Nabha vide letter received in the Commission on 17.02.2020 had stated that the enquiry in this case was being conducted by Dy Superintending Engineer, Enforcement, PSPCL Patiala and sent copies of the correspondence done with them to the Commission.

The complainant highlighted that there is an ambiguity in the information that has been provided since in the document provided by the PIO in an earlier RTI application on 24.07.2017, it was stated that the account No.AP02/744 is in the name of Partap Singh s/o Bhag Singh. However, the reply submitted to the Commission by the AEE Nabha, it is stated that the account which was held in the name of Sh.Partap Singh s/o Sh.Bhag Singh has been transferred on 28.09.2006 vide new PDCO No.26/73152 in the name of Sh.Bhagat Singh s/o Sh.Kehar Singh with new account No.AP02/757.

Since the ambiguity pointed out by the complainant was justified, the Commission marked this to the Chief Engineer, Enforcement, PSPCL Patiala to look into the matter and ensure that the correct information is provided again and if there is any fraud, to conduct an enquiry and send enquiry report to the Commission.

Further since the information sought in CC-898/2019 was the same as sought in the CC No.910 of 2019, both the cases were clubbed together and the Chief Engineer, Enforcement, PSPCL Patiala was directed to provide complete status on the matter.

Complaint Case No. 898 of 2019 and 910 of 2019

On the date of hearing on **29.06.2020**, the respondent present pleaded that they have issued a letter to the concerned Tehsildar to inform the khasra number of the property at which the connection was released.

On the date of last hearing on **19.08.2020**, the complainant informed that the PIO has not provided the information. The respondent informed that the information has not been received from the Tehsildar. The PIO was directed to procure the information from the concerned Tehsildar and provide to the complainant.

Hearing dated 01.12.2020:

The case has come up for hearing today through video conferencing at DAC, Patiala. Both the parties are absent.

The Commission has received a copy of letter diary No.14557 on 22.10.2020 from the PIO vide which the PIO has sent the information to the appellant.

The appellant vide letter received in the Commission on 17.11.2020 has informed that he has received the information and is satisfied and that his complaint case be filed.

Since the information has been provided, no further course of action is required. The case is **disposed off and closed.**

Chandigarh
Dated 01.12.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to : 1. Chief Engineer, Enforcement,
PSPCL, Patiala.

2. PIO-SDO(Rural),
PSPCL Nabha

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Sh. Ajay Nand / Ajay
Kumar Mehta, # C-118,
East Mohan Nagar,
ChamrangRoad,Amritsar.

...Appellant

Versus

Public Information

**Officer, O/o Managing
Director, PSPCL,
Patiala.**

First Appellate Authority,

O/o Chairman-cum-Managing Director,
PSPCL, Patiala.....

Respondent

Appeal Case No. 190 of 2020

PRESENT: None for theAppellant

**Sh.Bhuvnesh Nauhria,SE-TR-2 and Sh.Gurpreet Singh-PSPCL for the
Respondent**

ORDER:

The appellant through RTI application dated 30.07.2019 has sought information regarding rates for domestic and commercial electricity supply charged – minutes of meetings to fix rates of electricity supply- method of distribution of supply to domestic and commercial from electricity generated & purchased – copy of agreement with power plants – detail of theft of electricity from the office of Managing Director, PSPCL Patiala. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 06.09. 2019. Thereafter, the PIO sent information to the appellant vide letter dated 20.09.2019, 25.09.2019 & 01.10.2019. On being not satisfied with the information, the appellant filed 2nd appeal in the Commission.

The case was first heard on 08.07.2020 through video conferencing at DAC Patiala. The respondent present pleaded that the information has already been supplied to the appellant vide letter dated 20.09.2019, 25.09.2019 & 01.10.2019. As per appellant, the information was incomplete.

Hearing both the parties, following was discussed and concluded:

- Point-1&2 - The respondent stated that the information is available online. The appellant pleaded that the information be provided to him in physical form. The benchmade clear that once the information has been declared suo-moto by the public authority and is available on the website in electronic form, the information is no longer held up by the authority. The appellant was advised to download the information from the website of the public authority.
- Point-3 - The respondent stated that the information has been sent to the appellant. The respondent is directed to send the information once again to appellant. The information be sent via registered post.
- Point-4 - The respondent pleaded that the information sought under int4 is in a very vague form and since there are numerous

agreements that the PSPCL has entered to procure electricity. The respondent pleaded that the appellant be directed to ask for specific agreements as otherwise it would become very tedious to put together information, which in turn will divert the human resources of the department.

Appeal Case No. 190 of 2020

The respondent is directed to send a list of all the agreements that have been made to the appellant. The appellant on receiving such a list may ask for ten agreement copies of his choice. They are to be provided free of cost.

- Point-5 - The respondent replied that the information was procured from the concerned department and provided to the appellant. The appellant has expressed his satisfaction so no further course of action is required.

On the date of hearing on **02.09.2020**, the respondent present pleaded that the information on point-3 has been sent to the appellant. A list of all the agreements regarding point-4 had also been sent to the appellant but the appellant did not specify the copies of the ten agreements.

The appellant was absent and vide letter received in the Commission on 27.08.2020 sent his observations which were taken on the file of the Commission. Having gone through the RTI application, the Commission observes that the information that the appellant wanted through point-3 is that in what proportion (commercial or domestic) does PSPCL use the electricity it produces on its own and the one that it purchases privately. The respondent informed us that there is no such formula because once the electricity is sent to the grid, it is simply distributed.

However, as discussed during the hearing, the PIO was directed to provide if there is any document on record which specifies the system of distribution/supply of electricity to residential and commercial users from the self generated and privately procured electricity.

Hearing dated 01.12.2020:

The case has come up for hearing today through video conferencing at DAC, Patiala. The respondent present from TR-2 Branch PSPCL Patiala informed that the information regarding point-1 & 2 is available on the website of the department and the Commission has already advised the appellant in its earlier order to download the information from the website of the public authority.

Regarding point-3, the respondent Sh. Gurpreet Singh informed that there is no document on record, which can be provided specifying that in what proportion (commercial or domestic) does PSPCL use the electricity that it produces on its own and the one that it purchases privately. It is simply distributed for which a reply has already been sent to the appellant.

Further regarding point-4, the appellant was asked vide letter dated 14.09.2020 to specify the copies of ten agreements as per order of the Commission but the appellant has not specified the same.

The appellant is absent and vide email has expressed his inability to attend the hearing due to the farmers strike in Punjab and seeks a hearing vide whatsapp call or through other online interactive mediums. However, since the commission is providing video-conferencing facilities to the appellant and the respondent at the respective district headquarters, and has time & again observed that whatsapp calls, etc usually are not upto the

mark to provide quality hearing, I see no reason to digress from the norm.

As for the information, the Commission finds that the RTI application has been sufficiently replied and no further course of action is required. The earlier order remains for point 4 i.e. if the appellant still wants information on point-4, he is directed to specify ten agreements to the PIO and get the information. To be made use of within three months of receipt of this order.

With the above, the case is **disposed off and closed**.

Chandigarh
Dated 01.12.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

Smt.SukhvinderKaur, W/o Lt.Sh.Baldev
Singh, VPO HardoJhande, Tehsil
Batala.
Distt.Gurdaspur.

...Appellant

Versus

Public Information Officer,
SDO-Grid Construction Sub-Division,
PSPCLBatala

Respondent

Complaint Case No. 1143of 2018

Present: None for the Complainant
None for the Respondent

Order: The complainant through RTI application dated 02.05.2018 had sought information regarding service book – salary certificate – latest attendance report& date of last salary released in case of her deceased husband Sh.Baldev Singh who was working as workcharge employee with PSPCL Batala from the office of SDO-PSPCL Batala. The complainant was not provided the information after which the complainant filed a complaint in the commission on22.10.2018.

On the date of first hearing on 04.02.2019, the Complainant claimed that the PIO has not provided the information. Due to delay in providing the information, the PIO was issued a **show cause notice** and directed to file reply on an affidavit.

On the next date of hearing on 19.03.2019, the complainant informed that no information has been provided. The respondent was absent nor had sent any reply to the show cause notice. The PIO was given one last opportunity and directed to be present on the next date of hearing alongwith the reply to the show cause notice on an affidavit.

On the date of hearing on 15.05.2019, both the parties were absent. The case was adjourned. A copy of the order was sent to the Xen-PSPCL, Batala to determine the PIO under whose custody the information exists and to direct the concerned PIO to provide the information and appear before the Commission on the next date of hearing.

The case was again heard on 17.07.2019. The PIO in spite of the orders of the Commission to be personally present did not turn up nor had sent any reply to the show cause notice. A penalty of **Rs.25,000/-** was imposed upon the PIO-SDO PSPCL, Batala and the PIO was directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury.

The PIO-SDO PSPCL, Batala was also directed to pay an amount of **Rs.5000/-** via demand draft drawn through Govt. Treasury as compensation to the appellant for the loss and detriment suffered by him. A copy of the order was sent to the Xen, PSPCL Batala to get the order served to the concerned PIO and to ensure compliance of this order, as well as ensure that the concerned PIO to provide the information and appears personally at the next date of hearing.

Complaint Case No. 1143of 2018

On the date of hearing on **28.08.2019**, the respondent present from the office of Xen-City PSPCL Batala informed that there are six SDOs of PSPCL in Batala and no RTI application had been received by them. According to the complainant, Sh. Baldev Singh was working as work charge employee in the office of SDO-Grid, PSPCL- Gurdaspur Road, Batala. A copy of the RTI application was handed over to the respondent.

The Chief Engineer, Border Zone, PSPCL Amritsar was impleaded in the case and directed to get the order served to the concerned PIO-SDO Batala under whose custody the information lies. The concerned PIO was directed to provide the information and to appear personally on the next date of hearing. The matter of penalty and compensation to be taken at the next date of hearing.

On the next date of hearing on **29.11.2019**, **Sh. Navjot Singh**, SDO Grid Construction Sub-Division, PSPCL Batala appeared and pleaded that they received the RTI application only on 14.10.2019 from the office of Additional SE Grid Construction Division PSPCL Amritsar and the information has been provided to the appellant vide letter dated 23.10.2019. The appellant was absent.

On the date of hearing on **04.03.2020**, the respondent present pleaded that the information has been provided to the complainant. The respondent had however, not deposited the amount of penalty nor had paid compensation amount to the complainant as per order of the Commission. As per respondent, Dy. Chief Engineer, Sub-Station (Designs), PSPCL Patiala was the PIO in this case. The PIO was directed to file a complete reply in the case for delay in providing the information.

On the date of hearing on **05.08.2020**, the respondent present pleaded that they have submitted reply to the Commission vide letter dated 31.07.2020. The commission had received reply of the PIO on 03.08.2020 which was taken on the file of the Commission.

Having gone through the reply, the Commission found that the delay in information was not intentional or due to inefficiency of the PIO. The delay in providing the information was a result of wrong and random address written by the appellant, who presumed that he had filed the application at the correct address. The appellant also did not go to the first appellant, but chose to come to the commission via a complaint.

Given the above, the Commission accepted the plea of the PIO, and while giving the PIO the benefit of doubt, recalled the order dated 17.09.2019 of imposing penalty of Rs.25,000 on the PIO.

However, since it had been over one year since the case has been going on in the commission (4.2.2019), and it was only after a phone call from the commission to the PSPCL to apprise them about the Commission's various notices that the PSPCL Batala got activated with the RTI and provided the information, and that the appellant had suffered undue delay in getting his/her due i.e. the information he/she sought even after coming to the commission, the order to compensate the appellant with Rs.5000/- still remained. Herewith under the fresh orders, the PIO-Dy. Chief Engineer, Sub-Station Designs, PSPCL Patiala was directed to pay an amount of **Rs.5000/-** via demand draft drawn through Govt. Treasury as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting information in time.

Complaint Case No. 1143 of 2018

On the date of last hearing on **14.09.2020**, the respondent informed that in compliance with the order of the Commission, demand draft of Rs.5000/- bearing No.047765 dated 11.09.2020 favouring Sukhvinder Kaur had been purchased and was being sent to their District Office, Gurdaspur for handing over the same to the complainant. The respondent submitted a copy of demand draft which was taken on the file of the Commission.

The respondent was directed to comply with the order of the Commission and submit proof of having dispatched/delivered the demand draft of Rs.5000/- to the complainant.

Hearing dated 01.12.2020:

The case has come up for hearing today through video conferencing at DAC, Patiala. Both the parties are absent.

The Commission has received letter diary No.14487 on 21.10.2020 from the PIO stating that draft of Rs.5000/- bearing No. No.047765 dated 11.09.2020 (in lieu of compensation to the complainant) has been delivered to the complainant Smt.Sukhvinder Kaur by hand on 23.09.2020 and the complainant has acknowledged having received the draft. The PIO has also sent acknowledgement of complainant which has been taken on the file of the Commission.

Since the information has been provided and the compensation has been paid, no further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated:01.12.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to 1. Chief Engineer, Border
Zone, PSPCL Ajnala
Road,
Near Airforce, Amritsar.

2. Dy.Chief Engineer, Sub-
Station(Designs), PSPCL Patiala

3. Sr.Xen, PSPCL Batala