

PUNJAB, STATE INFORMATION COMMISSION
Sector-16, Madhya Marg, Near Rose Garden, Chandigarh

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Sh. Gurmeet Singh,
R/o H No-657, Sector-20-A,
Chandigarh

... Complainant

Versus

Public Information Officer,
PSPCL,
The Mall, Patiala.

...Respondent

Complaint Case No. 784 of 2018

Present: None for the Complainant
 Sh.Parvinder Singh, Superintendent, City Division Batala for the Respondent

ORDER:

The case was last heard on 29.20.1018. The order is reproduced hereunder:

“The complainant through RTI application dated 05.03.2018 has sought information regarding entire service record with all increments/promotions and chargesheets/retiral benefits of Sh.Rattan Chand s/o Sh.SainDass, HDM(Retired) R/o ShaheedBhagat Singh Nagar, Gurdaspur concerning the office of PSPCL Patiala. The complainant was not provided the information after which he filed complaint with the Commission on 19.07.2018.

The respondent present has brought some documents and submitted to the Commission. However, since it is a complaint case, the Commission has to take a view of the PIO's conduct in tending to the RTI application. The appellant is absent. The PIO is directed to explain the reasons for delay in tending to the RTI application within the time prescribed under the RTI Act. The PIO is also directed to be present on the next date of hearing.”

Hearing dated 04.12.2018:

The respondent present has pleaded that the information has been sent to the complainant through registered post vide letter dated 26.10.2018. Regarding delay in attending to the RTI application, the respondent has submitted reply stating therein that since Sh.Rattan Chand whose information the appellant has sought, was drawing pension from the office of Executive Engineer, Gurdaspur Division and the appellant was informed of the same vide letter dated 06.04.2018 and after receipt of the information from the concerned office, the information was sent to the complainant, so the RTI application was attended without any malafide or motive to deny the information. The plea is accepted, however, with the note that in future the PIO should attend to the RTI application within the time prescribed under the RTI Act.

The complainant is absent and has not pointed out any discrepancies in the information provided. It seems that the complainant has received the information and is satisfied.

No further course of action is required. The case **is disposed off and closed.**

Chandigarh
Dated: 04.12.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Rakesh Kumar Gupta,
8/237, Jagraon Road, Mandi Mullanpur,
Distt Ludhiana.

.....Appellant.

Versus

Public Information Officer,
DFSC, Ludhiana (West),
Zone-D, Municipal Corporation Building,
Sarabha Nagar, Ludhiana

First Appellate Authority,
The Director, Food, Civil Supplies & Consumer Affairs,
Anaj Bhawan, Sector-39-C,
Chandigarh.

.... Respondent

Appeal Case No. 1669 of 2018

Present: Sh.Rakesh Kumar Gupta
Sh.Jaswinder Singh Inspector DFSC and Sh.Manjit Singh, Sr.Assistant, O/o
Mandi Board on behalf of the Respondent

ORDER: The case was first heard on **06.08.2018**. Sh.Jaswinder Singh from the office of DFSC was present. The respondent present pleaded that the information being third party information cannot be provided since the third parties had not given their consent. Having gone through the merits of the case, the claim of the PIO that the information is third party information was not fully justified. The PIO was directed to provide the point-wise information to the appellant in accordance with the RTI Act.

The case was last heard on **23.10.2018**. The order is reproduced hereunder:

“The case has come up for hearing today. The respondent present has pleaded that the information has been provided to the appellant. The appellant is not satisfied and informed that the information is incomplete.

I have gone through the RTI application and heard both the parties. The PIO is directed to relook at the RTI application and send reply to the point No. 1 on an affidavit. The information regarding points 2, 4, 5, 6 & 9 be provided as per RTI application. Regarding point No.7, to provide certified copy of details of . Regarding point No.8, to forward application to the PIO, Market Committee.”

Hearing dated 04.12.2018:

The respondent from the office of Market Committee has brought the information regarding point No.8 and handed over to the appellant. The appellant received the same and is satisfied. Regarding points 2,4,5,6 & 9, the respondent from the office of DFSC pleaded that since the paddy season is going on, they are busy in the procurement of paddy and sought adjournment. The adjournment is granted. The PIO is directed to provide information as per earlier order which still stands.

Both the parties to be present **on 26.02.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 04.12.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: The PIO, Distt.Mandi Officer,
District Mandi Bhawan, Gill Road,
Ludhiana.

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Sh. Surinder Kumar,
H No-1869/92, Killa Mohalla,
Daresi Road, Ludhiana

... Appellant

Versus

Public Information Officer,
XEN, PSPCL,
Ludhiana.

First Appellate Authority,
XEN, PSPCL,
Ludhiana.

... Respondent

Appeal Case No. 2412 of 2018

Present: Sh. Surinder Kumar as Appellant
Sh. Sandeep Singh, SDO O/o Zen PSPCL Ludhiana for the Respondent.

ORDER:

The case was last heard on 29.10.2018. The order is reproduced hereunder:

“The appellant through RTI application dated 01.05.2018 has sought information regarding calculations of bill for electric meter alongwith other information concerning the office of Xen, PSPCL Ludhiana. The appellant was not provided the information after which he filed first appeal before the First Appellate Authority on 01.06.2018 which took no decision on the appeal.

The appellant is present. I have seen the RTI application and found that it is vague since the information sought is not clear. The appellant is directed to clarify the information that he seeks within one week. The PIO is directed to accept the clarification and provide the information to the appellant before the next date of hearing. “

Hearing dated 04.12.2018:

The appellant informed that as per direction of the Commission, clarification was sent to the PIO on 01.11.2018 but he has not received the information. The respondent present informed that the appellant has given 5 digit account number whereas the account number should be 10 digits. The appellant is directed to provide a copy of bill to clarify any ambiguity and get the information. The PIO is directed to provide the information.

To come up on **23.01.2019 at 11.00AM** for further hearing.

Chandigarh
Dated: 04.12.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. H.S Hundal,
82, District Court, Sector-76,
Mohali.

... Appellant

Versus

Public Information Officer,
XEN, PSPCL,
Sub Urban, Moga.

First Appellate Authority,
CE, (West Zone), PSPCL,
Bathinda

...Respondent

Appeal Case No. 2418 of 2018

Present: Sh.H.S.Hundal as Appellant
Sh.Parmod Shukla, Asstt.Engineer, Sub Division (N) Moga for the Respondent

ORDER: The case was last heard on 29.10.2018. The order is reproduced hereunder:

“The appellant through RTI application dated 08.01.2018 has sought information regarding certified copy of complete consumer file of account No.3004671021 in the name of Gursharanbir Singh R/o Dutt Road, Moga under North Sub-division alongwith other information concerning the office of Xen, PSPCL Sub Urban, Moga The appellant was not provided the information after which he filed first appeal before the First Appellate Authority on 09.02.2018 which took no decision on the appeal.

The appellant is present. I have seen the file and found that the appellant filed first appeal on 09.02.2018 but has come to the Commission on 18.07.2018 which is time barred. The appellant in reply has pleaded that since his father expired, the appeal has been delayed. The plea is admitted. The PIO is directed to provide the information to the appellant within 15 days and be present on the next date of hearing alongwith explanation for delay in providing the information.”

Hearing dated 04.12.2018:

The respondent present has pleaded that the available information regarding point No.1 has been provided to the appellant and the information regarding point No.2 & 3 is not available in the record since the record of old consumer cases for which the information has been sought by the appellant, stands destroyed in the old building due to rain water.

The appellant is not satisfied and stated that the information provided regarding point 1, is for the change of ownership and he wants the old record from which the ownership was changed. The respondent replied that since the original record stands destroyed in the old building, it cannot be provided. The PIO is directed to ascertain and provide complete enquiry report for the missing record after which the Commission will adjudicate on the same.

To come up for further hearing **on 11.02.2019 at 11.00 AM** through video conference facility available in the office of the Deputy Commissioner, Moga. Copies of the order be sent to the parties ***through registered post***

Chandigarh
Dated: 04.12.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

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Er. RC Tandon,
H No-146, Urban Estate, Phagwara,
P.O Chachoki.

... Appellant

Versus

Public Information Officer,
Jalandhar Development Authority,
Jalandhar.

First Appellate Authority,
Additional, Chief Administrator,
Jalandhar Development Authority,
Jalandhar.

...Respondent

Appeal Case No. 2428 of 2018

Present: None for the Appellant
 Sh.Gaurav Mahajan, APIO for the Respondent

ORDER:

The case was last heard on 29.10.2018. The order is reproduced hereunder:

“The appellant through RTI application dated 26.02.2018 has sought information regarding dimensional plan of the existing building of Bahra Hospital Urban Estate Phagwara along with other information concerning the office of Jalandhar Development Authority, Jalandhar. The appellant was not provided the information after which he filed first appeal before the First Appellate Authority on 03.04.2018 which disposed off the appeal 18.05.2018.

The respondent present has pleaded that the information has been provided to the appellant on 24.09.2018. The appellant is not satisfied and informed that certain measurements are not mentioned in the dimensional plan. The PIO is directed to provide the complete dimensions and also provide the area allowed to be covered under the Rule as well as copy of said rule to the appellant.”

Hearing dated 04.12.2018:

The respondent present has pleaded that the information has been sent to the appellant through registered post. The appellant is absent to point out any discrepancies in the information and vide email has sought adjournment. The appellant is directed to point out the discrepancies, if any to the PIO and be present on the next date of hearing. The PIO is directed to remove the discrepancies.

The case is adjourned. Both the parties to be present **on 30.01.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 04.12.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

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Mrs Amar SnehKaur,
K No-933, Phase-XI, Sector-65,
Mohali

... Appellant

Versus

Public Information Officer,
GMADA, PUDA Bhawan,
Sector-62, Mohali.

First Appellate Authority,
GMADA, PUDA Bhawan,
Sector-62, Mohali.

...Respondent

Appeal Case No. 2444 of 2018

Present: Sh.Bhupinder Singh, representative of Mrs.Amarsneh Kaur for the Appellant
None for the Respondent

ORDER: The case was last heard on 29.10.2018. The order is reproduced hereunder:

“The appellant through RTI application dated 03.01.2018 has sought information regarding site area of built up project of Purab Premium Apartments launched by GAMADA Sector 88 Mohali alongwith other information concerning the office of GAMADA PUDA Bhawan, Mohali. The appellant was not provided the information after which he filed first appeal before the First Appellate Authority on 09.02.2018 which took no decision on the appeal.

The respondent is absent without intimation to the Commission. The PIO is directed to provide the information to the appellant within 10 days of the receipt of the orders of the Commission. The PIO is also directed to be present personally or through his representative on the next date of hearing and explain the reasons for not providing the RTI application within the time prescribed under the RTI Act.”

Hearing dated 04.12.2018:

The appellant informed that the information has not been provided by the PIO. In the last hearing, the PIO was directed to be present personally or through his representative and explain the reasons for not providing the information within the time prescribed under the RTI Act. The respondent is absent without intimation to the Commission on 2nd consecutive hearing and has not provided the information despite order of the Commission.

The Commission has taken a serious view of this and hereby directs the PIO to **show cause why penalty be not imposed on him under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time** and for not complying with the orders of the Commission, he should file an affidavit in this regard. If there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies. The PIO is also directed to provide the information to the appellant within 10 days of the receipt of order and send compliance to the Commission.

The case is adjourned. Both the parties to be present **on 23.01.2019 at 11.00 AM** for further hearing

Chandigarh
Dated: 04.12.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sector-16, Madhya Marg, Near Rose Garden, Chandigarh

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Sh.Manohar Lal, S/o Sh.Dhana Ram,
Near Shri Jain School, Shiv Puri road,
Fazilka.

.....Appellant.

Versus

Public Information Officer,
XEN, PSPCL,
Fazilka.

First Appellate Authority,
Chief Engineer, Distribution (West Zone),
PSPCL, Bathinda

...Respondent

Appeal Case No. 2510 of 2018

Present: Sh.ManoharLal as Appellant
Sh.VikramKamboj, SDO O/o PSPCL Fazilka for the Respondent

ORDER:

The case was last heard on 29.10.2018. The order is reproduced hereunder:

“The appellant through RTI application dated 19.01.2018 has sought information regarding details of electric connections provided and disconnected on the Govt land, Panchyat Land and NC land in Fazilka along with other information concerning the office of Xen PSPCL t Fazilka. The appellant was not satisfied with the information provided by the PIO after which filed first appeal before the First Appellate Authority on 16.03.2018.

The respondent present has informed that the information has already been provided to the appellant vide letter dated 08.03.2018 and again vide letter dated 26.10.2018. The appellant is not satisfied with the information.

I have gone through the RTI application and the information provided by the respondent and observed that the information regarding point 1 is in order. Regarding points 2, 3 & 7, the respondent has informed that the record being very old is not available and cannot be created separately. The Commission however, will not consider it missing till the PIO files an enquiry report which clearly indicates that the efforts have been made to trace out the record and still the record is missing. The Commission directs the PIO to fix accountability under whose custody the record went missing.

Regarding point No.5, the appellant is asked to inspect the record and clarify the information he wants. The PIO is directed to relook this point and provide the information.

Regarding point No.6, the appellant to clarify the date of notification and the PIO is directed to provide the copy of notification.”

Appeal Case No. 2510 of 2018

Hearing dated 04.12.2018:

The respondent has provided the report regarding missing record to the appellant. The respondent has also provided information regarding point 5 to the best possible extent.

Regarding points 3 & 4, the respondent pleaded that the information is voluminous in nature as a number of electric connections have been issued in the jurisdiction of Fazilka city, so information cannot be prepared. The appellant is directed to clarify the particular numbers of 20 connections regarding point 3 & 4 and the respondent is directed to provide the information for these connections.

To come up for further hearing **on 05.02.2019 at 11.00 AM** through video conference facility available in the office of the **Deputy Commissioner, Fazilka**. Copies of the order be sent to the parties ***through registered post***

Chandigarh
Dated: 04.12.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. ManoharLal, S/o ShDhana Ram,
Near Shri Jain School, Shiv Puri road,
Fazilka.

.....Appellant.

Versus

Public Information Officer,
XEN, PSPCL,
Fazilka.

First Appellate Authority,
Chief Engineer, Distribution (West Zone),
PSPCL, Bathinda

...Respondent

Appeal Case No. 2511 of 2018

Present: Sh.ManoharLal as Appellant
Sh.Vikram Kamboj, SDO O/o PSPCL Fazilka for the Respondent

ORDER: The case was last heard on **29.10.2018**. The order is reproduced hereunder:

“The appellant through RTI application dated 29.01.2018 has sought information regarding details of closure of electric connections, removal of poles, removal of electric wires from the poles on 17.01.2006, and other information concerning the office of Xen PSPCL t Fazilka. The appellant was not satisfied with the information provided by the PIO on 15.03.2018 after which he filed first appeal before the First Appellate Authority on 26.03.2018 which took no decision on the appeal.

The respondent present has informed that the information has already been provided to the appellant vide letter dated 06.03.2018. The appellant is not satisfied with the information.

I have gone through the reply of the respondent and observed that the respondent in his reply has stated that the PDCO Book containing the information regarding all points has been destroyed by the termites and so the information is not available in the record. The Commission however, will not consider the record missing or destroyed by the termites till the PIO submits a comprehensive enquiry report which clearly indicates that the efforts have been made to trace out the record and still the record is missing or has been destroyed by the termites and the accountability has been fixed.”

Hearing dated 04.12.2018:

The respondent present has pleaded that the available information has already been provided to the appellant. Regarding remaining information, the respondent informed that the record relating to PDCO Book has been destroyed by the termites, the information cannot be provided and the appellant has already been informed about the same.

In the last order, the PIO was directed to submit a comprehensive enquiry report regarding the record missing or destroyed by the termites and fix the accountability. The respondent stated that the information sought by the appellant in this case is similar to the information sought in appeal case No.2510/2018 and a complete report regarding missing record has already been provided to the appellant in appeal case No.2510/2018.

Keeping the above in view, it is clear that since the information is not available with the PIO, the plea of the respondent is accepted and no further cause of action is left.

The case is **disposed off and closed**.

Chandigarh
Dated: 04.12.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

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Ms. Preety,
35 Mohindra Colony-A,
Near NIS Chowk&PehalwanAkhara,
Patiala.

Appellant.

Versus

Public Information Officer,
PSPCL,
Patiala.

First Appellate Authority,
Chief Engineer, (HRD)
PSPCL, Patiala.

...Respondent

Appeal Case No. 2533 of 2018

Present: None for the Appellant
 Sh.Rajinder Dhiman and Sh.Harpreet Singh for the Respondent

ORDER: The case was last heard on **29.10.2018**. The order is reproduced hereunder:

“The appellant through RTI application dated 18.01.2018 has sought 10 points information regarding mandatory conditions required to be fulfilled by an employer for promotion from JE to AE and other information concerning the office of PSPCL Patiala. The appellant was not satisfied with the information provided by the PIO after which he filed first appeal before the First Appellate Authority on 21.02.2018.

The respondent present has informed that the information regarding point no.1 has been provided to the appellant vide letter dated 09.02.2018 and the reply to other points has been sent to the appellant vide letter dated 12.03.2018. The respondent pleaded that they had sent the reply to the RTI application on 15.02.2018 and the appellant was asked to deposit requisite fee for getting the information. After receipt of requisite fee, the information was supplied to the appellant on 12.03.2018.

The respondent present has submitted certain documents mentioning response to all the points of RTI application. The appellant is absent to point out discrepancy if any and has sought adjournment due to ill health which is granted.”

Hearing dated 04.12.2018:

The respondent present pleaded that the information has already been provided to the appellant. The appellant is absent to point out discrepancy and vide email has sought adjournment.

In the last hearing, The respondent had submitted certain documents mentioning the response to all the points of RTI application. The appellant was absent and sought adjournment.

The case is adjourned. The appellant is directed to point out discrepancies if any in the information and be present on the next date of hearing otherwise the case will be decided ex-parte.

To come up on **29.01.2019 at 11.00AM** for further hearing.

Chandigarh
Dated: 04.12.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Arun Garg, S/o Sh Sham Lal,
40-41, Central Town, Village Dad,
P.O LaltonKalan, Distt Ludhiana.

... Appellant

Versus

Public Information Officer,
Deputy Chief Engineer, DS City West Circle,
PSPCL, Ludhiana.

First Appellate Authority,
Chief Engineer, DS Central,
PSPCL, Ludhiana

...Respondent

Appeal Case No. 2615 of 2018

Present: None for the Appellant
 Sh.M.P.Singh, Addl. SE/APIO O/o PSPCL Ludhiana for the Respondent

ORDER: The case was last heard on 30.10.2018. The order is reproduced hereunder:

“The appellant through RTI application dated 10.01.2018 has sought information regarding date-wise action taken, present status of new connection application dated 11.09.2017, report prepared by/on behalf of ASE/SrXen of DS Model Town Spl Division Ludhiana and other information concerning the office of Deputy Chief Engineer, DS City West Circle, PSPCL, Ludhiana. The appellant was not provided the information after which he filed first appeal with the First Appellate Authority on 24.02.2018 which took no decision on the appeal.

The respondent present has pleaded the complete information has been provided to the appellant vide letter dated 15.10.2018 and a copy of the same is submitted to the Commission. The appellant is absent and vide email he has sought exemption for his appearance. The appellant has further informed that the information which has been provided by the PIO after 9 months of his RTI application is incomplete and incorrect.

I have gone through the file and observed that the appellant filed RTI application on 10.01.2018 which was not attended to by the PIO after which he filed first appeal on 24.02.2018 which also took no decision.

The Commission observes that information has been delayed by over 9 months and hereby directs the PIO to submit explanation with solid reasons for delay in tending to the RTI application on an affidavit. The appellant is directed to point out discrepancy if any and be present on the next date of hearing.”

Hearing dated 04.12.2018:

The respondent present pleaded that the information has already been provided to the appellant. The appellant is absent and vide email has sought adjournment. The appellant vide email has also pointed out discrepancies in the information provided and a copy of the same has been handed over to the respondent to look at it and sort out the discrepancies and provide the information to the best possible extent within 10 days.

The respondent has also submitted an affidavit explaining the reasons for delay in attending to the RTI application which is taken on the file of the Commission and will be adjudicated on the next date of hearing.

To come up on **23.01.2019 at 11.00 AM** for further hearing.

Sd/-

Chandigarh
Dated: 04.12.2018

(Khushwant Singh)
State Information Commissioner

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Sh. Jasbir Singh, S/o ShHarbans Singh,
Jalal Kheri, P.O Sular, Tehsil&Distt Patiala.

... Appellant

Versus

Public Information Officer,
Chief Engineer, Enforcement,
PSPCL, Patiala.

First Appellate Authority,
Chief Engineer, Enforcement,
PSPCL, Patiala.

...Respondent

Appeal Case No. 2634 of 2018

Present: Sh.Jasbir Singh as Appellant
None for the Respondent

ORDER: The case was last heard on 30.10.2018. The order is reproduced hereunder:

“The appellant through RTI application dated 28.05.2018 has sought information regarding enquiry report on his complaint dated 09.04.2018 concerning the office of Chief Engineer, Enforcement, PSPCL, Patiala.. The appellant was not provided the information after which he filed first appeal with the First Appellate Authority on 22.06.2018 which took no decision on the appeal.

The respondent present has pleaded that the enquiry is still pending. The appellant seeks action taken report on his complaint. The Commission recommends that the PIO Sh.Balbair Singh to complete the enquiry within 30 days and send the enquiry report to the appellant within 7 days of the completion of the enquiry. A copy be sent to the Chief Engineer, Enforcement, PSPCL Patiala for compliance of the orders of the Commission.”

Hearing dated 04.12.2018:

The appellant informed that he has not received the action taken report. The respondent is absent and has not sent any compliance of the orders of the Commission. The Commission has taken a serious view that the PIO has not responded on the status of the enquiry. The PIO is directed to provide the status report of the enquiry to the Commission within 7 days and be present on the next date of hearing with explanation for not complying with the orders of the Commission.

The case is adjourned. To come up on **30.01.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 04.12.2018

Sd/-
(Khushwant Singh)
State Information Commissioner