**PUNJAB STATE INFORMATION COMMISSION**

 **RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**

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 **Email:psic22@punjabmail.gov.in**

Sh. Pawan Kumar Sharma, Advocate,

House No. 585, Phase 2,

S.A.S Nagar. Complainant

Versus

Public Information Officer,

O/o Municipal Council,

Kharar,

Distt. S.A.S Nagar Respondent

**Complaint Case No.362/2018**

Date of RTI application: 02.02.2018

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint 20.03.2018

**Present: None.**

**ORDER**

 None is present on behalf of the Parties.

 The matter is adjourned to **09.08.2018 at 11.30 AM.**

  **Sd/-**

**05.07.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Navdeep Gupta,

Kothi No.455, Gillco Valley,

Kharar, Distt. Mohali Complainant

Versus

Public Information Officer,

O/o Deputy Commissioner,

District Administrative Complex,

Sector-76, S.A.S. Nagar. Respondent

 **COMPLAINT CASE NO.158/2018**

Date of RTI application : 31.08.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 27.01.2018

**Present: None.**

**ORDER**

 None is present on behalf of the Parties. Seemingly, the complainant is not inclined to pursue his case.

 The Commission has gone through his original application also. Its perusal suggests that he is making statements only about some sensitive and controversial issues and asking for the explanations. The Commission has not been able to find the information as defined in the RTI Act which is being sought by him. His application is incoherent, vague and a commentary only on social, religious and administrative issues which need no notice.

 **Disposed.**

  **Sd/-**

**05.07.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The Sr. Superintendent of Police, SAS Nagar for n/a.**

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Sh. Navdeep Gupta,

Kothi No.455, Gillco Valley,

Kharar, Distt. Mohali Complainant

Versus

Public Information Officer,

O/o Senior Supdt. of Police,

Police Hqrs, Judicial Complex,

S.A.S.Nagar Respondent

 **COMPLAINT CASE NOs.159 and 161 of 2018**

Date of RTI application : 25.09.2017/04.09.2018

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 25.01.2018/20.01.2018

**Present: None.**

**ORDER**

 None is present on behalf of the Parties. Seemingly, the complainant is not inclined to pursue his case.

 The Commission has gone through his original application also. Its perusal suggests that he is making statements only about some sensitive and controversial issues and asking for the explanations. The Commission has not been able to find the information as defined in the RTI Act which is being sought by him. His application is incoherent, vague and a commentary only on social, religious and administrative issues which need no notice.

 **Disposed.**

  **Sd/-**

**05.07.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The Deputy Superintendent of Police, Kharar, for n/a.**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Ankit Jain

S/o Sh. Yashpal Jain,

#1006, Morni Wala Khoo,

Dera Bassi, S.A.S.Nagar Complainant

Versus

Public Information Officer,

O/o Nagar Council, Dera Bassi,

S.A.S.Nagar. Respondent

 **COMPLAINT CASE NO.168/2018**

Date of RTI application : 06.11.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 29.01.2018

**Present:** Sh. Ankit Jain, Complainant in person.

 None on behalf of the respondent.

 **ORDER**

 The following order was passed by this forum on 29.05.2018:

 *“The complainant had sought to know the information about the show cause notices issued by the respondents to the violators of the building bye-laws in its jurisdiction and the consequent follow up action having been taken by them from the year 2010 onwards.*

 *The respondent says that such an information is not being maintained by them in a concise form. In case they undertake to collect and collate, it shall divert their resources disproportionately.*

 *The Commission accepts their contention partially. As the subject is important the Commission directs them to arrange to provide them the information for the period from Ist January 2017 onwards till date. The respondents are further advised to maintain the record in a fashion that such an information can easily be accessed in future.“*

 *“As per the above order the respondent says that they are compiling the information and requests for affording them some more time. The matter shall be reheard on 05.07.2018 at 11.30 AM.* *Meanwhile, they shall provide the information to the complainant as ordered on 05.04.2018.”*

Neither the respondent is present nor any written explanation has been received from Contd…page….2

 -2-

**COMPLAINT CASE NO.168/2018**

them. The Commission takes it as a case of willful defiance and accordingly issues a show cause notice to the PIO to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on himfor causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Complainant under Section 19 (8) (b) of the Act for the detriment suffered by him.

 In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.

 To come up on **09.08.2018 at 11.30 AM.**

  **Sd/-**

**05.07.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

 **PUNJAB STATE INFORMATION COMMISSION**

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Smt. Surinder Kaur Dhillon

W/o Late Sh. Balwant Singh Dhillon,

#272, Western Homes Colony, Jhungian

Tehsil Kharar Distt. S.A.S. Nagar Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Nagar Council, Kharar

.

First Appellate Authority

O/o Regional Deputy Director,

Local Bodies, Patiala. Respondents

 **APPEAL CASE NO.504/2018**

Date of RTI application : 06.11.2017

Date of First Appeal : 09.12.2017

Date of Order of FAA : Reply20.11.2017

Date of 2nd Appeal/complaint : 01.02.2018

**Present:** Smt. Surinder Kaur, Dhillon, Appellant in person.

1. Sh. Vajinder Mohan Singh, Supervisor, NC Office, Kharar, and
2. Sh. Rajesh Kumar, Jr. Engineer, NC Office, Kharar – for Respondents.

**ORDER**

 The respondents have filed a written reply wherein they have denied the availability of more record concerning the application in hand. The appellant rebuts their contention by showing this forum certain documents which suggest that some building plans have been sanctioned by them on the green area. Public notices have also been issued for the demolition of illegal structures. The respondents are directed to file an affidavit about the status of information available with them with reference to the application to the effect that no material/record besides the one which has already been supplied to the appellant, is available.

 To come up on **07.08.2018 at 11.30 AM.**

 **Sd/-**

**05.07.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Jagroop Singh,

S/o Sh. Hakum Singh,

R/o H.No.354, Sector-91, S.A.S. Nagar Complainant

Versus

Public Information Officer,

O/o Senior Supdt of Police,

District Administrative Complex,

Sector-76, S.A.S. Nagar. Respondent

 **COMPLAINT CASE NOs.248 and 249 of 2018**

Date of RTI application : 07.02.2018/09.02.2018

Date of First Appeal : N/A

Date of Order of FAA : N/A

Date of 2nd Appeal/complaint : 19.02.2018

**Present:** None on behalf of the Complainant.

1. HC Jaswinder Singh (No.1121), PS (City), Kharar, and
2. Constable Taranjit Singh, (No.1772), SSP Office, Mohali – for Respondent.

**ORDER**

 The complainant is absent.

 The respondents submit that the PIO is busy in connection with a VIP visit. They are seeking adjournment.

 While acceding to their request the PIO is again directed to file a reply to the show cause notice issued on 29.05.2018 else ex. parte decision on the basis of the documents on record shall be taken.

 To come up on **26.07.2018 at 11.30 AM.**

  **Sd/-**

**05.07.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: Sh. Kuldip Singh Chahal, IPS, Sr. Superintendent of Police, SAS Nagar (Mohali) for n/a.\**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Bhupinder Singh

S/o Sh. Gurjail Singh,

VPO: Bahmna, Tehsil Samana,

District Patiala. Appellant

Versus

Public Information Officer,

O/o Deputy Commissioner,

Patiala, Mini Sectt. Patiala

First Appellate Authority

O/o Commissioner, Patiala Division,

Patiala. Mini Sectt. Patiala. Respondents

 **APPEAL CASE NOs 325 and 326 of 2018**

Date of RTI application : 06.11.2017/16.10.2017

Date of First Appeal : 20.12.2017/20.11.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 10.01.2018

**Present: Sh. Bhupinder Singh, Appellant in person.**

 **Sh. Ram Krishan, Tehsildar, Samana – for Respondents.**

**ORDER**

Sh. Ram Krishan, Tehsildar is present. He has brought along the information in Appeal Case No.326 of 2018 which has been handed over on spot to the appellant.

 As regards Appeal Case No. 325 of 2018 he submits that the documents as has been discussed in the order passed by the Commission on 31.05.2018, relate to the office of the Tehsildar (Sales), Patiala. He assures the Commission that by liaising with that officer, the requisite information shall be provided to him. He is cautioned to comply with the instructions scrupulously before the next date of hearing positively failing which he shall be held responsible for the violation under the RTI Act and dealt accordingly.

 The Deputy Commissioner, Patiala is hereby desired to arrange to provide the information to the Tehsildar, Samana for onward transmission to the appellant.

 To come up on **26.07.2018 at 11.30 AM.** **Sd/-**

**05.07.2018 (Yashvir Mahajan) State Information Commissioner**

**Cc: The Deputy Commissioner, Patiala, for n/a.**

**CC: Sh. Ram Kishan, PIO – cum – Tehsildar, Samana, Distt. Patiala, for n/a.**

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Sh. Hakam Parshad,

S/o Sh. Hazari Lal,

R/o #180, Sector 20-C,

Subhash Nagar,

Mandi Gobindgarh Appellant

Versus

Publilc Information Officer,

O/o Sub Divisional Magistrate,

Kharar, S.A.S Nagar.

First Appellate Authority,

O/o Deputy Commissioner,

District Administrative Complex,

Sector-76, S.A.S Nagar Respondents

**APPEAL CASE NO.1201/2018**

Date of RTI application: 14.09.2017

Date of First Appeal : 09.02.2018

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint: 05.02.2018

**Present: Sh. Vivek Kumar on behalf of the Appellant.**

**None on behalf of the Respondents.**

**ORDER**

 Vide order dated 31.05.2018, the Tehsildar, Kharar was directed to file a written explanation for the inordinate delay in providing the information. He is neither present nor any communication has been received from him.

 The Commission takes a serious note of it. While taking it as a case of willful defiance in providing the information the PIO is issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on himfor causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.

 In addition to the written reply, the PIO is also given an opportunity under Section Contd…page…2

 -2-

**APPEAL CASE NO.1201/2018**

20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.

 To come up on **26.07.2018 at 11.30 AM.**

 **Sd/-**

**05.07.2018 ( Yashvir Mahajan )**

 **State Information Commissioner**

**CC: Sh. Tarsem Singh Mittal, Tehsildar, Kharar, Distt. Mohali, for n/a.**

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Sh. Davinder Singh,

House No. H. No. 8718, Street No. 3,

Kot Baba Deep Singh, Amritsar. Appellant

 Versus

Public Information Officer

O/o Punjab State Information Commission,

Sector 16, Chandigarh

First Appellate Authority,

O/o Secretary,

Punjab State Information Commission,

Sector 16, Chandigarh Respondents

 **Appeal Case No.1078/2018**

Date of RTI application: 20.11.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint 17.03.2018

**Present: Sh. Davinder Singh - Appellant.**

1. **Sh. Sudhir Kumar, PIO, PSIC,**
2. **Sh. Sadhu Ram, PS.Secy,PSIC - for Respondents.**

**ORDER**

The following order was made by the Commission on 30.05.2018:

 *“Sh. Sudhir Kumar, PIO says that the appellant was asked to deposit an amount of Rs.96/- as a cost of information. Having failed, the information could not been supplied to the appellant. The appellant, on the other hand, says that he had sent across a postal order worth Rs.100/- which was not accepted by the respondents. The appellant reiterates that the same was not received by him.*

 *The Commission does not intend to go into this controversy and directs the respondents to transmit the information to the appellant by post within ten days from today positively.”*

The respondents say that in compliance with the order of the Commission the Contd….page….2

 -2-

**Appeal Case No.1078/2018**

requisite information has been supplied to the appellant. The appellant communicated certain discrepancies which have been endorsed to the respondents as well. The respondents deny its receipt. A copy has been handed over to them. They should look into it and endeavour to provide the information as per availability in the record.

 To come up on **09.08.2018 at 11.30 AM.**

 **Sd/-**

**05.07.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**