



Sh. Rajnish Khosla, (8146170500)
R/o # 77 R, State Bank Colony,
White Avenue, Amritsar-143001

...Appellant

Versus

Public Information Officer,
O/o Municipal Corporation,
Town Planning Branch, Amritsar

First Appellate Authority
O/o Municipal Corporation,
Amritsar.

...Respondents

APPEAL CASE NO. 1031 OF 2021

PRESENT: Sh.Rajnish Khosla as the Appellant
Sh.Dhiraj Kumar, Bill Clerk for the Respondent

ORDER:

The appellant, through an RTI application dated 18.06.2020 has sought a copy of a notice received from a court for property No.2402/X-9, Bazar Sirki Amritsar relating to the case titled Kamal Kumar V/s Rajan from the office of Municipal Corporation, Town Planning Branch, Amritsar. The appellant was not provided with the information, after which the appellant filed a first appeal before the first appellate authority on 31.08.2020, which did not decide on the appeal.

The case has already been heard by Sh.Heminder Singh, State Information Commissioner on 02.06.2021, 19.08.2021 & 17.11.2021. During the hearing, the appellant claimed that the PIO has not supplied the information.

Since the respondent was absent on three consecutive hearings nor had provided the information, the PIO was **issued a show cause notice on 17.11.2021** with the directions to file a reply on an affidavit as well as to provide information to the appellant.

The case has come up for **hearing today before this Bench** through video conferencing at DAC Amritsar. The appellant claimed that the PIO has not supplied the information.

Sh.Dhiraj Kumar is present on behalf of the respondent-PIO who informed that since the information was not specific, the appellant was asked to vide letter dated 01.06.2021 to specify the information but the appellant has not specified the same. The PIO has also sent a reply to the show-cause notice through email which has been taken on record.

As per the appellant, he has already specified the information.

I have gone through the reply of the PIO. The reply is conflicting since as per the RTI application, it is clear that the appellant is seeking a copy of the notice that was received by the office of MC, which means the information is in the custody of the MC.

Decision-

There is prima-facie evidence that the information is being denied.

The current PIO is directed to provide information to the appellant within five days of the receipt of the order.

APPEAL CASE NO. 1031 OF 2021

As per information concluded at the hearing, Sh.Narinder Sharma was the PIO when the RTI application was filed and when the show cause was issued (now transferred and posted at MC Moga). Sh.Narinder Sharma, MTP-cum-PIO, MC Amritsar (Now transferred and posted at MC Moga) is hereby given one last opportunity to file a reply to the show-cause notice and also appear personally on the next date of hearing otherwise it will be presumed that the PIO has nothing to say on the matter and the decision will be taken ex-party.

To come up for further hearing on **22.08.2022 at 11.00 AM at Chandigarh.**

Chandigarh
Dated: 05.07.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :Sh. Narinder Sharma,
O/o M.C. Moga

Sh. Navneet Singhania, (8837867784)
R/o 1609/2, Ram Gali,
Katra Ahluwalia, Amritsar.

...Appellant

Versus

Public Information Officer,
O/o Trust Engineer,
Town Improvement Trust,
Ranjit Avenue, Amritsar-143001

First Appellate Authority
O/o Chief Executive Officer,
Town Improvement Trust, Amritsar.

...Respondents

APPEAL CASE NO. 1946 OF 2021

PRESENT: Sh.Navneet Singhania as the Appellant
Nonefor the Respondent

ORDER:

The appellant, through an RTI application dated 01.10.2020 has sought a copy of a contract invitation from the public for construction of road in Ram GaliKatraAhluwalia – a copy of the applications received – a copy of the terms & conditions for completion of work – name and designation of the competent authority for approval – name & designation of the officer who certified the road completion – total contract amount as enumerated in the RTI application from the office of Trust Engineer, Town Improvement Trust, Amritsar. The appellant was not satisfied with the reply of the PIO dated 23.10.2020 after which the appellant filed a first appeal before the first appellate authority on 16.11.2020, which did not decide on the appeal.

The case has already been heard by Sh.Heminder Singh, State Information Commissioner on 26.08.2021& 10.11.2021. Both the parties were absent during the hearing on both occasions. The PIO was directed to file written submission for not attending to the RTI application.

The case has come up for **hearing todaybefore this Bench** through video conferencing at DAC Amritsar. As per the appellant, no information has been provided by the PIO.

Having gone through the RTI application, the Commission observes that the RTI application was transferred by NodalOfficer(RTI)-cum-Town Planner, Improvement Trust, Amritsar to PIO-cum-Trust Engineer, Improvement Trust, Amritsar on 08.10.2020.

The Trust Engineer-cum-PIO is absent nor is represented as well as not provided the information. There has been an enormous delay of more than one year and eight months in providing the information. 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. He/she 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 person(s) of the show cause and direct them to appear before the Commission along with the written replies. The PIO is also directed to inform the details of PIOs(Name of PIO – Period of stay – Present posting) when the RTI application was filed.

Further, since the Trust Engineer-cum-PIO, Improvement Trust, Amritsar is not appearing before the Commission despite repeated notices issued and flouting the spirit of the RTI Act continuously. The PIO has not only shown utter disregard for the Commission's repeated orders to provide the information but has shown willful stubbornness in not appearing before the commission despite various orders of the Commission.

APPEAL CASE NO. 1946 OF 2021

To secure an erring PIO's presence before the commission, the Information Commission is empowered to issue warrants to the PIO Under Section 18(3) of the RTI Act. A bailable Warrant of the Trust Engineer-cum-PIO, Improvement Trust, Amritsar is hereby issued through Senior Superintendent of Police, Amritsar for his presence before the Commission on **10.10.2022**.

To come up for further hearing on **10.10.2022 at 11.00 AM**.

Chandigarh
Dated: 05.07.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

**BAILABLE WARRANT OF PRODUCTION
BEFORE
SHRI KHUSHWANT SINGH
STATE INFORMATION COMMISSIONER, PUNJAB AT
CHANDIGARH**

In case: Navneet Singhania V/s Trust Engineer-cum-PIO, Improvement Trust, Amritsar

APPEAL CASE NO.1946/2021

UNDER SECTION 18 OF THE RIGHT TO INFORMATION ACT, 2005

Next Date of Hearing: 10.10.2022

To

**The Senior Superintendent of Police,
Amritsar**

Whereas Trust Engineer-cum-PIO, Improvement Trust, Amritsar has failed to appear before the State Information Commissioner, Punjab despite the issuance of notice/summon in the above mentioned appeal case. Therefore, you are hereby directed to serve this bailable warrant to the Trust Engineer-cum-PIO, Improvement Trust, Amritsar to appear before the undersigned at Red Cross Building, Near Rose Garden, Sector 16, Chandigarh on 10.10.2022 at 11.00A.M.

**Chandigarh
Dated:05.07.2022**

**(Khushwant Singh)
State Information Commissioner**



Advocate Tejinder Singh, (9041004313)
Chamber No. 602, Civil Court Tehsil Complex,
Backside SanjhKender, Phillaur-144410

...Appellant

Versus

Public Information Officer,
O/o Municipal Corporation,
Phagwara, District Kapurthala.

First Appellate Authority
O/o Municipal Council,
Phagwara, District Kapurthala.

...Respondents

APPEAL CASE NO. 3537 OF 2021

PRESENT: None for the Appellant
Sh.Satpal Singh. Sanitary Inspector for the Respondent

ORDER:

The appellant, through an RTI application dated 12.04.2021 has sought information on 05 points regarding action taken against the owner of the vehicles being parked near Elite Cinema – rule for charging advertising fee alongwith name of contractor and income received from advertisements in the last two years – action taken against digging/putting illegal submersible bore in compliance of instructions of National Green Tribunal Act alongwith area inspected - number of trees grown by the forest department in compliance of instruction of National Green Tribunal as enumerated in the RTI application from the office of Municipal Corporation, Phagwara, District Kapurthala. The appellant was not provided with the information after which the appellant filed a first appeal before the first appellate authority on 31.05.2021, which did not decide on the appeal.

The case has come up for hearing today before this Bench through video conferencing at DAC Ludhiana. The respondent present informed that the information relating to points 1 & 2 has been supplied to the appellant vide letter dated 07.05.2021 and 04.07.2022 whereas the information relating to points 3 & 4 has to be provided by the Sh.Gurvinder Pal Singh, Xen-Water Supply and Sewerage. Regarding point-5, regular checking is being done and challans are being issued against the erring person/shopkeepers having/using plastic bags.

The appellant is absent and vide email has sought exemption. In the said email, the appellant has informed that the PIO has not supplied the information and has requested an adjournment.

Having gone through the RTI application and reply of the PIO, the Commission finds that the information on points 1 & 2 stands provided. The information sought in point 5 appears to be vague, unpecific and in question form, hence sufficiently replied.

Regarding point-3 & 4, Sh.Gurvinder Pal Singh, Xen-Water Supply and Sewerage Board O/o MC Phagwara is directed to provide information to the appellant within 10 days of the receipt of the order and send a compliance report to the Commission.

The case is adjourned. To come up for further hearing on **29.11.2022 at 11.00 AM** through **video conference facility available in the office of Deputy Commissioner, Jalandhar.**

Sd/-

Chandigarh
Dated: 05.07.2022

(Khushwant Singh)
State Information Commissioner

CC to Sh.Gurvinder Pal Singh, Xen-
Water Supply and Sewerage Board, O/o MC Phagwara.



Sh. Narinder Sharma, (9815263774)
R/o 3185/25, KotMahna Singh,
TaranTaran Road, Amritsar.

...Appellant

Versus

Public Information Officer,
O/o Municipal Corporation,
Amritsar.

First Appellate Authority
O/o The Commissioner,
Municipal Corporation, Amritsar.

...Respondents

APPEAL CASE NO. 1711 OF 2021

PRESENT: Sh.Narinder Sharma for the Appellant
None for the Respondent

ORDER:

The appellant, through an RTI application dated 28.12.2020 has sought a copy of the agreement between the Association of the locality and MCA relating to installation of gates on a public street by the residents of the society, which is as enumerated in the RTI application. The appellant was not satisfied with the reply of the PIO dated 09.03.2021 after which the appellant filed a first appeal before the first appellate authority on 29.01.2021, which did not decide on the appeal.

The case was first heard by Sh.Heminder Singh State Information Commissioner on 27.07.2021. The respondent present informed that the information has been supplied to the appellant on 09.03.2021.

The appellant orally denied having received the information. The PIO was directed to supply the information to the appellant and if no information is available, to file a proper affidavit in this regard. On the date of the next hearing on 30.09.2021, the appellant informed that the PIO has not supplied the information. The respondent was absent.

On the date of hearing on 28.10.2021, the respondent was absent nor had supplied the information as directed by the commission. The PIO was issued a **show-cause notice under section 20** of the RTI Act and directed to file a reply on an affidavit.

The case has come up for hearing **today before this Bench** through video conferencing at DAC Amritsar. As per the appellant, the PIO has not supplied the information.

The respondent is absent for 3rd consecutive hearing nor has filed a reply to the show-cause notice as well as not supplied the information. I am marking this to the Commissioner, Municipal Corporation Amritsar with the direction to reconcile the case and ensure that the PIO appears before the commission before the next date of hearing.

Further, the Commission is of the view that since the complainant has had to suffer undue inconvenience to get the information, it is a fit case for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act.

Hence the PIO- Municipal Corporation, Amritsar is directed to pay an amount of **Rs.5000/-** via demand draft 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. The PIO is directed to duly inform the commission of the compliance of the order and submit proof of having compensated the appellant.

APPEAL CASE NO. 1711 OF 2021

The PIO is also directed to inform the details of PIOs(Name of PIO – Period of stay – Present posting) from the date of filing of RTI application and at the time of issue of show cause notice.

The case is adjourned. To come up for further hearing on **22.11.2022 at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Amritsar.**

**Chandigarh
Dated: 05.07.2022**

**Sd/-
(Khushwant Singh)
State Information Commissioner**

**CC to: The Commissioner,
Municipal Corporation Amritsar**