



Smt.Gursimran kaur,  
R/o 836 MIG, PHB Colony,  
Jamalpur, Ludhiana.

...Appellant

Versus

**Public Information Officer,**  
O/o State Transport Commissioner,  
Pb, Chd.

**First Appellate Authority,**  
O/o State Transport Commissioner,  
Pb, Chd.

...Respondent

**Appellant Case No. 116 of 2019**

**PRESENT: None for the Appellant**  
**Sh.Payara Singh-OIO, STC Pb and Sh.Shiv Kumar, Date Entry Operator O/o**  
**RTA Ferozepur for the Respondent**

**ORDER:**

The case was first heard on **08.04.2019**. Since both the parties were absent, the case was adjourned.

The case was again heard on **12.06.2019**. The appellant claimed that the PIO has not supplied the information. The respondent present pleaded that since the information relates to the RTA Ferozepur, they have already transferred the RTI application to the PIO-RTA Ferozepur vide letter dated 30.08.2018. The PIO-Regional Transport Authority, Ferozepur was impleaded in the case and directed to provide the information to the appellant as per the RTI application transferred by the STC Punjab on 30.08.2018. The PIO-RTA was also directed to explain the reasons for not attending to the RTI application well within the time prescribed under the RTI Act and appear before the Commission alongwith the explanation on an affidavit.

The case was further heard on **05.08.2019**. The appellant claimed that the PIO has not provided the information. The respondent present from the office of STC Punjab informed that they have already transferred the RTI application to the RTA-Ferozepur since the information relates to them.

The respondent from the office of RTA Ferozepur was absent nor had complied the order of the Commission. The PIO was issued a show cause under **Section 20 of the RTI Act 2005 and directed to file** an affidavit in this regard. The PIO was again directed to provide the information to the appellant within 10 days.

The case was last heard on **13.11.2019**. The counsel for the appellant informed that the PIO has not provided the information to the appellant. The respondent present informed that the RTA Ferozepur has not supplied the information. The PIO-STC Pb was directed to collect the information from the concerned office and provide to the appellant. The PIO was also directed to file reply to the show cause notice otherwise the Commission will be constrained to take action against the PIO under section 20 of the RTI Act.

**Hearing dated 05.12.2019:**

The respondent present has submitted reply of the PIO-RTA Ferozepur which is taken on the file of the Commission. The appellant is absent.

Having gone through the reply of the PIO, the Commission finds that the reply is misleading since the appellant has claimed for details regarding the penalty of Rs.15000/- imposed by State Information Commission on Sh Baldev Randhawa, Secretary, RTA Gurdaspur.

The PIO-RTA Ferozepur has been issued a show cause notice. In spite of show cause, the PIO has chosen not to appear before the Commission. The Commission has taken a serious view of this. The PIO-RTA Ferozepur is given one last opportunity to appear before the Commission on the next date of hearing alongwith the reply to the show cause notice otherwise it will be presumed that the PIO has nothing to say in the matter and the Commission will be constrained to take action under section 20 of the RTI Act. The PIO is also directed to provide correct information to the appellant.

The case is adjourned. To come up for further hearing on **02.03.2020 at 11.00 AM.**

**Chandigarh  
Dated 05.12.2019**

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

**CC to :PIO-Regional Transport Authority, Ferozepur**



Sh.Yadwinder Singh, S/o ShSimranjit Singh,  
Distt Jail, Roopnagar.

... Appellant

Versus

**Public Information Officer,**  
O/o commissioner of Plice ,  
Ludhiana.

**First Appellate Authority,**  
O/o commissioner of Plice ,  
Ludhiana.

...Respondent

**Appeal Case No. 156 of 2019**

**PRESENT: Sh.Yadvinder Singh, as the Appellant**  
**Sh.Avtar Singh O/o Commissioner of Police for the Respondent**

**Order:**

The case was first heard on 26.02.2019 by Sh.S.S.Channy, Chief Information Commissioner. The respondent denied the information stating that the matter is under investigation and challan has been filed in the court which was handed over to the appellant. The respondent also handed over a copy of judgement of the court in their defense to the appellant. The appellant handed over copies of four judgments in his support to the representative of the respondent. Both the parties were directed to furnish their reply to each other with a copy to the Commission.

The case was again heard by Sh.S.S.Channy, Chief Information Commissioner on 02.04.2019. The appellant submitted a letter which was taken on the record and a copy was handed over to the respondent. The respondent however failed to submit their reply on the judgements handed over to him by the appellant on 26.02.2019. The respondent was directed to file appropriate reply on the judgement and the letter submitted by the appellant.

The case came up for hearing before this bench on 08.07.2019. The respondent pleaded that the accused is in the judicial custody via order of Sh.Arunveer Vashist, Addl. Session Judge, Ludhiana in a double murder case of killing two persons. The respondent further informed that the appellant was working as a reader with Sh.Manjinder Singh, SHO in Police Station Machhiwara. Sh.Yadwinder Singh alongwith two other accused Sh.Manjinder Singh and Sh.Sukhvir Singh went on a raid in a case under the police station Jamalpur where due to heated arguments between both the parties, these accused killed two persons. Sh.Manjinder Singh and Sh.Sukhvir Singh have been declared P.O by the Court of Sh.Arunveer Vashist, Addl. Session Judge, Ludhiana. The statement of the respondent was taken on the file.

The appellant was absent and vide email has sought exemption being in judicial custody. The case was adjourned.

The case was again heard on **29.07.2019**. The Commission observed that the appellant is a young under trial in a double murder case at Ludhiana, and is at present under custody at District Jail Rupnagar in FIR No. 125 dated 27.09.2014 u/s 302,148,149, 201 IPC PS Jamalpur, Ludhiana. The appellant sought to obtain copies of *Rojnamncha* and all the *Ziminies* of the Police file in the said FIR for his defense in the court. AS per facts, the challan in the present case has already been filled and thus the Investigations have been completed.

The Commission further observed that the respondent has not pleaded or has substantiated in any manner as to how by supplying the entire *zimini* file to the accused the prosecution shall get hampered. They have taken a blanket plea of an absolute bar, which is not available to them under the Law. The Judgments cited by the Appellant are very much applicable to the facts and circumstances of the present case, and the judgment cited by the Respondent pertain to section 24 of the RTI which is a special provision under which only those organizations fall which have been notified so, and admittedly Punjab Police does not enjoy the protection of Section 24 of the RTI Act.

That the “second” part of Section 8 (1) (h) of the Act is subjective and depends upon the facts and circumstances of each case.

Hence, given the circumstances of this particular case, the Commission was of the view that the disclosure of information rather than hampering prosecution may help the appellant to defend himself and in proving his innocence. The PIO was directed to provide all ziminius and all other information as sought in the RTI application within 10 days of receipt of this order.

The case was again heard on **13.08.2019**. The appellant claimed that the PIO has not provided the information. The respondent was absent and vide email has sought adjournment stating that all the staff is on duty for maintaining security and peace on the eve of independence day. The case was adjourned. The PIO was directed to provide the information to the appellant as per earlier order.

The case was again heard on **28.08.2019**. The respondent brought the information and handed over to the appellant. The appellant raised objection that the copies of the ziminius that were provided by the PIO, do not carry the signature of JMIC, Ludhiana. The appellant submitted a document where the Judge had made an observation that file of the investigation of this case has been perused and ziminius are also signed. The PIO was directed to provide photostat copies of those ziminius that have the signature of JMIC.

The case was last heard on **16.10.2019**. The respondent present pleaded that in compliance with the order of the Commission, the information has been provided to the appellant. The appellant raised objection that the PIO has not provided the copies of rojnamcha from 27.09.2014 to 30.10.2014. The PIO was directed to remove the anomaly and provide the remaining information within 10 days.

**Hearing dated 05.12.2019:**

The respondent present pleaded that the available information has already been provided to the appellant and no other information exists in the crime branch of the department. The respondent has handed over a copy of the letter dated 03.12.2019 to the appellant in this regard, with a copy to the Commission.

Rest of the information stands provided. No further course of action is required. The case is **disposed off and closed**.

**Chandigarh**  
**Dated:05.12.2019**

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



Sh. Harmit Singh, C/o Baba Kala Finance Company,  
Near Truck Union, Phool Road,  
Rampura Phul, Bathinda.

... Appellant

Versus

**Public Information Officer,**  
O/o Secretary, Regional Transport Authority,  
Sangrur.

**First Appellate Authority,**  
O/o State Transport Commissioner,  
Pb, Chandigarh.

...Respondent

**Appeal Case No. 182 of 2019**

**Present: Sh.Harmit Singh as the Appellant**  
**None for the Respondent**

**ORDER:**

The case was first heard on 10.04.2019. Both the parties were absent. The case was adjourned.

The case was again heard on **11.06.2019**. The appellant claimed that the PIO has not provided the information. The respondent was absent. The PIO was directed to provide the information to the appellant within 15 days and appear personally or through a representative on the next date of hearing alongwith the explanation for not attending to the RTI application within the time prescribed under the RTI Act.

The case last came up for hearing on **23.07.2019** through video conference facility available in the office of **Deputy Commissioner, Bathinda**. Due to technical fault, the hearing could not take place and the case was adjourned. The PIO-RTA Sangrur was directed to comply with the earlier order of the Commission which still stands.

A copy of the order was sent to the STC, Punjab, Chandigarh 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 or through its representative at the next date of hearing.

The case was last heard on **28.08.2019**. Both the parties were absent. The PIO was directed to comply with the earlier order of the Commission which still stands and appear personally or through a representative on the next date of hearing alongwith the explanation for not attending to the RTI application within the time prescribed under the RTI Act.

It was also brought to the notice of the Secretary Transport that the Regional Transport Authority, Sangrur is not attending the court either personally or through its representative and this has been observed in various cases. A notice may be taken of this dereliction and appropriate disciplinary action be taken against the RTA Sangrur.

**Hearing dated 05.12.2019:**

The appellant claims that the PIO has not provided the information. The PIO is absent on 4<sup>th</sup> hearing nor has complied with the order of the Commission. The Commission has taken a serious view of this and hereby directs the PIO-RTA Sangrur **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 persons of the show cause and direct them to appear before the Commission along with the written replies.

The PIO is again directed to provide the information to the appellant within 10 days.

To come up for further hearing on **27.01.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Bhatinda. The order be sent to both the parties through registered post. The PIO-RTA Sangrur to appear at Chandigarh.

Chandigarh  
Dated 05.12.2019

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

- CC to :1. **State Transport Commissioner, Pb,  
Sector 17, Chandigarh.**
2. **Secretary, Department of Transport, Punjab  
Chandigarh.**



Sh.Darshan Lal, S/o Sh Karan Chand,  
H No-8456, Sector-125, Sunny Enclave,  
Kharar, Distt Mohali.

... Appellant

Versus

**Public Information Officer,**  
O/o XEN, PSPCL,  
Kharar.

**First Appellate Authority,**  
O/o SE, PSPCL,  
Roopnagar.

...Respondent

**Appeal Case No. 522 of 2019**

**PRESENT: Sh.Darshan Lal as the Appellant**  
**None for the Respondent**

**ORDER:**

The case was first heard on **08.05.2019**. The respondent present pleaded that the information has been provided to the appellant. The appellant was not satisfied and stated that he had asked for total number of electric connections in the name of Poonam Sharma. The PIO was directed to provide total number of electric connections issued in the name of Poonam Sharma w/o Rahul Partap Singh from 01.04.2009 to 31.03.2017 and the copies of documents enclosed at the time of applying for the connection.

The case was again heard on **16.07.2019**. Both the parties were absent. In the interest of justice, one more opportunity was granted and the case was adjourned. The PIO was directed to comply with the earlier order of the Commission which still stands and be present on the next date of hearing.

The case was last heard on **28.08.2019**. The appellant claimed that the PIO has not provided the information. The respondent was absent on 2<sup>nd</sup> hearing nor had complied with the order of the Commission. The PIO was issued a **show cause notice under Section 20 of the RTI Act 2005 and** directed to file reply on an affidavit. The PIO was again directed to provide the information to the appellant within 10 days of the receipt of this order.

Sh.Bachitter Singh, SDO-Operation Sub-Division, PSPCL City Kharar-1 appeared late and pleaded that the information will be provided to the appellant within a week.

**Hearing dated 05.12.2019:**

The appellant claims that the information which has been provided by the PIO is incomplete. The appellant has also submitted objections which are taken on the file of the Commission. A copy of the objections is being attached with the order for the PIO. If such document exists, the PIO is directed to provide and remove the deficiency if any.

To come up for further hearing on **03.03.2020 at 11.00 AM**.

**Sd/-**

**Chandigarh**  
**Dated 05.12.2019**

**(Khushwant Singh)**  
**State Information Commissioner**



Sh. Mohan Mittal,  
H No-815, Ahata Badan Singh,  
Moga.

... Appellant

Versus

**Public Information Officer,**  
O/o Commissioner, MC,  
Moga.

**First Appellate Authority,**  
O/o Commissioner, MC,  
Moga.

...Respondent

**Appeal Case No. 580 of 2019**

**PRESENT: None for the Appellant**  
**None for the Respondent**

**ORDER:**

The case was first heard on **24.06.2019**. The appellant claimed that the PIO has not provided the complete information. The respondent was absent. Having gone through the RTI application and the reply of the PIO, the Commission found that the appellant in point no.2 has sought that if any document exists that establishes the status of the encroachment being regularized. The PIO was directed to provide, if any document has been created to assess the encroachment, or any such document that exists which regularizes such encroachment.

The case was last heard on **26.08.2019**. The appellant was absent and vide email informed that the PIO has not provided the information. The respondent was absent. In the interest of justice, one more opportunity was granted and the PIO was directed to comply with the earlier order which still stands and be present on the next date of hearing alongwith the explanation for not complying with the order of the Commission.

**Hearing dated 05.12.2019:**

Both the parties are absent. The appellant vide email has informed that the PIO has not provided the information. The respondent is absent on three consecutive hearings nor has complied with the 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**. 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 persons of the show cause and direct them to appear before the Commission along with the written replies.

The PIO is again directed to provide the information to the appellant within 10 days.

To come up for further hearing on **21.01.2020 at 11.00 AM**.

Chandigarh  
Dated 05.12.2019

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



**PUNJAB STATE INFORMATION COMMISSION**  
**Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.**  
**Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in**  
**Visit us: - www.infocommpunjab.com**



Sh Deepak Gutt,  
**H no-631, Sector-9,**  
Punchkula.

... Appellant

Versus

**Public Information Officer,**  
O/o GMADA,  
Mohali.

**First Appellate Authority,**  
O/o GMADA,  
Mohali.

...Respondent

**Appeal Case No. 1244 of 2019**

**PRESENT: Sh.Deepak Gutt as the Appellant**  
**Sh.Gurminder Singh O/o GMADA for the Respondent**

**ORDER:**

The case was last heard on 31.07.2019. The Respondent pleaded that the information has been provided to the appellant vide letter dated 09.01.2019. The appellant was not satisfied and stated that the respondent has not provided information regarding role, responsibility of GMADA and an action if the developer fails to give possession of plots to public as sought in point-30. The respondent stated that they have cancelled the license of the builder.

Hearing both the parties, the Commission directed the PIO to relook at point-30 and reply accordingly as per the query raised in the RTI application.

**Hearing dated 05.12.2019:**

The respondent has brought the information and handed over to the appellant. The appellant is not satisfied.

Hearing both the parties, the appellant is directed to inspect the record and get the relevant information. The PIO is directed to allow inspection to the appellant by fixing a mutually convenient date and time and provide certified copies of the information relating to this RTI application.

The case is adjourned. To come up for compliance on **03.03.2020 at 11.00 AM.**

**Chandigarh**  
**Dated:05.12.2019**

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

**PUNJAB STATE INFORMATION COMMISSION**  
**Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.**  
**Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in**  
**Visit us: - www.infocommpunjab.com**



Sh Jasbir Singh,  
Village Bolapur, Jhabewal, P.O Ramgarh,  
Distt Ludhiana.

... Appellant

Versus

**Public Information Officer,**  
O/o Punjab Pollution Control Board,  
Patiala.

**First Appellate Authority,**  
O/o Punjab Pollution Control Board,  
Patiala.

...Respondent

**Appeal Case No. 857 of 2019**

**PRESENT: None for the Appellant**  
**Sh.Satyajeet Singh,PIO-cum-Environmental Engineer, Regional Office-III**  
**Ludhiana for the Respondent**

**ORDER:**

The case was first heard on 25.06.2019. The appellant claimed that the PIO has not provided the information. The respondent present pleaded that the information has been provided to the appellant vide letter dated 10.05.2019 and a copy of the same submitted to the Commission. The respondent further informed that the appellant had filed RTI application to the office of Pollution Control Board, Patiala, which forwarded it to them on 02.04.2019 and the information was sent to the appellant on 10.05.2019.

Having seen the reply of the PIO, the Commission observed that the respondent in his reply has mentioned that no NOC was issued to M/s Simran Honda Agency. The respondent also mentioned that M/s Simran Honda Agency has not applied for NOC.

The Commission further observed the following-

-The PIO, Pollution Board Patiala took enormous time in transferring application to the PIO Pollution Board Ludhiana.

-The First appellate Pollution board, Patiala did not intimate the appellant of transferring his appeal to Ludhiana, which the appellant filed after not receiving the sought information within the prescribed 30 days.

-The First appellant, Pollution Board Ludhiana took no decision on the appeal.

The Commission directed the Patiala and Ludhiana PIOs, as well as first appellant authorities of both the places to file an explanation for the delay and gross negligence in tending to the RTI Application. The PIO, Punjab Pollution Control, Ludhiana was also directed to inform the commission that whether a NOC is mandatory to run a car dealership, and if yes what steps have been taken to implement the rule since the said dealership is deemed to be running without a NOC till now.

## Appeal Case No. 857 of 2019

The case was last heard on **31.07.2019**. The respondent present from Pollution Control Board Patiala submitted a reply of the PIO stating that the RTI application was received by them on 17.12.2018, which was transferred to the Pollution Control Board, Ludhiana vide letter dated 31.12.2018 and a copy of the letter was endorsed to the appellant. Thereafter, the appellant filed first appeal on 10.01.2019 which was also forwarded to the Ludhiana office on 30.01.2019.

The respondent present from the office of Pollution Control Board, Ludhiana submitted a reply dated 29.07.2019 of PIO stating that the RTI application dated 10.12.2018 was not received by their office. The RTI application dated 22.03.2019 of the appellant was received on 05.04.2019 and the information was sent to the appellant on 10.05.2019. The PIO in the letter informed that the car dealership is not covered under the purview of the Water Act and NOC is not mandatory to run a car dealership.

The information stands provided. However, The Commission during the hearing observed that the dates provided by the previous respondent have been erroneous and misleading. The actual position was that the RTI application was filed on 10.12.2018 at Patiala which was forwarded to Ludhiana on 31.12.2018, and after not getting a reply, the appellant filed first appeal on 10.01.2019. The First appellate Authority dismissed the appeal on flimsy grounds that the appellant is satisfied and not interested in the matter whereas no information was provided or the appellant expressed his satisfaction/dissatisfaction.

The pollution board Ludhiana was also trying to establish that the information has been provided, albeit it was through a different RTI application of a similar nature. The information provided through another RTI application cannot be passed as information for this particular case. The PIO-Pollution Control Board, Ludhiana was directed to file a detailed reply into the circumstances of supplying misleading information as well as for the above observations of the Commission.

### **Hearing dated 05.12.2019:**

The information stands provided. The respondent has submitted his reply which is taken on the file of the Commission. In the reply, the PIO has stated that the reply to the RTI application dated 10.12.2018 was given by the PIO-cum-EE, Regional Office-1, Ludhiana whereas the reply to another RTI application dated 22.03.2019 was given by PIO-cum-EE, Regional Office-III Ludhiana. Further the statement given by PIO-cum-EE Regional Office-III, Ludhiana vide letter dated 29.07.2019 that the RTI application of Sh.Jasbir Singh dated 10.12.2018 was not received in his office, was based on record of Regional Office-III whereas the RTI application dated 10.12.2018 of Sh.Jasbir Singh was transferred to different PIOs-cum-EE Regional Office-I Ludhiana. The status of the information supplied vide letter dated 15.03.2019 was not in the notice of PIO-cum-EE Regional Office-III Ludhiana. Thus no misleading information was supplied.

The plea is accepted and the case is **disposed off and closed**.

**Chandigarh**  
**Dated 05.12.2019**

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

**CC to PIO-Punjab Pollution Control Board, Ludhiana**