

# PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Sector 16, Chandigarh.

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

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Whatsapp No. 62848-20189 Cisco Webex: 158 708 3455



Sh. Suresh Kumar Sharma, 9855890233

New Sharma Furniture House,

Partap bazaar Cheatta,

District Amritsar.

..Complainant

Vs

Public Information Officer

o/o Sub Registrar-2,

Tehsil Complex,

District Amritsar.

....Respondent

Complaint Case No. 433 of 2020

## ORDER

This order may be read with reference to the previous order dated 30.11.2021 vide which the order in this case was reserved to be pronounced after hearing both the parties.

2. The brief of the case is that the complainant has sought the following information in this case vide his RTI application dated 15.1.2020:-

ਬੇਨਤੀ ਹੈ ਕਿ ਮਿਤੀ 12-03-2018 ਨੂੰ ਰਸਿਟਰ ਹੋ ਰੱਖੀ ਮੈਸਰਜ਼ ਕਸ਼ਤੋਰੀਆਂ ਸ਼੍ਰੀ ਰਾਮਪੀ ਆਸ਼ਰਮ ਜਮੀਨ 39 ਕਨਾਲ 8 ਮਰਲੇ 19588 ਵਰਗ ਗਜ ਖਸਰਾ ਨੰਬਰ 2630/765 (18-4), 755 (9-8), 2177/756, (7-19), 2644/766, (4-11) ਖਾਤਾ ਖਤੋਣੀ ਨੰਬਰ 291/690, 444/854, 500/1050, 599/1198 ਜਮਾਬੰਦੀ ਸਾਲ 2010-2011 ਹੱਦਬਸਤ ਨੰਬਰ 380 ਵਾਕਿਆ ਰਕਬਾ ਪਿੰਡ ਵਡਾਲੀ ਗੁਰੂ ਅਰਬਨ ਆਬਾਦੀ ਮੇਨ ਪ੍ਰਤਾਪ ਬਜਾਰ, ਛੇਹਰਟਾ, ਅੰਮ੍ਰਿਤਸਰ, ਸਬੰਧੀ ਹੇਠ ਲਿਖੀ ਸੂਚਨਾਂ ਦੀਆਂ ਤਸਦੀਕਸੁਦਾ ਕਾਪੀਆਂ ਦਿੱਤੀਆਂ ਜਾਣ।

1. ਇਸ ਜਮੀਨ ਸਬੰਧੀ ਜਿੰਨੀਆਂ ਵੀ ਰਜਿਸਟਰੀਆਂ, ਬੇਨਾਮਾ, ਪਾਵਰ ਆਫ ਅਟਾਰਨੀ ਮਿਤੀ 12-03-2018 ਤੋਂ ਅੱਜ ਤੱਕ ਮੈਸਰਜ਼ ਸਚਦਾਨੰਦ ਇੰਟਰਪ੍ਰਾਇਜ਼ ਵੱਲੋਂ ਅਲਗ ਅਲਗ ਪਾਰਟੀਆਂ ਨੂੰ ਰਜਿਸਟਰ ਕਰਵਾਈਆਂ ਗਈਆਂ ਹਨ ਉਸ ਦੀਆਂ ਕਾਪੀਆਂ ਦਿੱਤੀਆਂ ਜਾਣ।
2. ਇਸ ਜਮੀਨ ਸਬੰਧੀ ਜਿੰਨੀਆਂ ਵੀ ਰਜਿਸਟਰੀਆਂ ਬੇਨਾਮਾ ਅਤੇ ਪਾਵਰ ਆਫ ਅਟਾਰਨੀਆਂ ਪੈਰਾ ਨੰਬਰ 1 ਮੁਤਾਬਿਕ ਰਜਿਸਟਰ ਕੀਤੀਆਂ ਗਈਆਂ ਹਨ ਉਹਨਾਂ ਨਾਲ ਨੱਥੀ ਜ਼ਰੂਰੀ ਦਸਤਾਵੇਜ਼ ਵੱਜੋਂ ਨਗਰ ਨਿਗਮ ਅੰਮ੍ਰਿਤਸਰ, ਨਗਰ ਸੁਧਾਰ ਟਰਸਟ ਅੰਮ੍ਰਿਤਸਰ ਜਾਂ ਅੰਮ੍ਰਿਤਸਰ ਵਿਕਾਸ ਅਥਾਰਟੀ ਵੱਲੋਂ ਜਾਰੀ ਕੀਤੀਆਂ ਐਨ.ਓ.ਸੀ. (ਇਤਰਾਜ਼ਹੀਣਤਾ ਸਰਟੀਫਿਕੇਟ) ਦੀਆਂ ਕਾਪੀਆਂ ਦਿੱਤੀਆਂ ਜਾਣ।

3. The respondent-Public Information Officer sent the written reply to the complainant vide No. 39 dated 12.2.2020, and the relevant portion of the same is reproduced below:-

”.....ਕਿ ਆਪ ਵੱਲੋਂ ਮੰਗੀ ਗਈ ਸੂਚਨਾਂ ਇਕੱਠੀ ਕਰਕੇ ਨਹੀਂ ਦਿੱਤੀ ਜਾ ਸਕਦੀ। ਇਯ ਕਰਕੇ ਇਹ ਸੂਚਨਾਂ ਲੈਣ ਲਈ ਆਪ ਆਰ.ਟੀ.ਆਈ. ਦੇ ਨਿਯਮ (2005 ਖੰਡ 8 1 ਈ) ਤਹਿਤ ਕਿਸੇ ਕੰਮ ਵਾਲੇ ਦਿਨ ਦਫਤਰ ਹਾਜ਼ਿਰ ਆ ਕੇ ਡੀਲਿੰਗ ਹੈਂਡ ਨੂੰ ਮਿਲਕੇ ਜੋ ਰਿਕਾਰਡ ਆਪ ਨਾਲ ਸਬੰਧਤ ਹੈ ਉਸ ਦਾ ਮੁਆਇਨਾ ਕਰਕੇ ਜਿਹੜੇ ਦਸਤਾਵੇਜ਼ਾਂ ਦੀ ਲੋੜ ਹੈ ਉਸ ਦੀ ਬਣਦੀ ਫੀਸ ਸੁਵਿਧਾ ਸੈਂਟਰ ਵਿੱਚ ਜਮਾਂ ਕਰਵਾ ਕੇ ਆਪ ਨਕਲਾਂ ਪ੍ਰਾਪਤ ਕਰ ਸਕਦੇ ਹੋ।”

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4. During the hearing the main contention of the complainant was that the most of the registries of plot relating to M/s Sachidanand Enterprises have been done without getting the NOC, which is mandatory as per law and requested that the respondent may be directed to supply the information in this case in the public interest. It has also transpired that the 88 registries are involved in this case, information of which has been sought by the complainant.

5. Hon'ble Supreme Court of India in its order rendered on 12.12.2011 in Civil Appeal Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010) has held that while entertaining a complaint under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information. Since the complainant has approached the Commission under the provisions of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

An alternative and efficacious remedy of first appeal is available to the complainant under Section 19(1) of the RTI Act, 2005 which has not been availed in the instant case.

6. Section 11 of the RTI Act, 2005 provides that :-

**11. (1)** Where a Central Public Information Officer or a State Public Information Officer, as the case may be, intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within five days from the receipt of the request, give a written notice to such third party of the request and of the fact that the Central Public Information Officer or State Public Information Officer, as the case may be, intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information:

Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.

(2) Where a notice is served by the Central Public Information Officer or State Public Information Officer, as the case may be, under sub-section (1) to a third party in respect of any information or record or part thereof, the third party shall, within ten days from the date of receipt of such notice, be given the opportunity to make representation against the proposed disclosure.

(3) Notwithstanding anything contained in section 7, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within forty days after receipt of the request under section 6, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information or record or part thereof and give in

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writing the notice of his decision to the third party.

(4) A notice given under sub-section (3) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal under section 19 against the decision.

Also the Punjab RTI Rules provides that :-

**11. Procedure for deciding appeals.-** The Commission, while deciding an appeal may,-

- (i) receive oral or written evidence on oath or on an affidavit from concerned or interested person;
- (ii) peruse or inspect documents, public records or copies thereof;
- (iii) inquire through authorized officer further details or facts;
- (iv) hear State Public Information Officer, State Assistant Public Information Officer or the First Appellate Authority, or such person against whose action the appeal is preferred, as the case may be;
- (v) hear third party; and
- (vi) receive evidence on affidavits from the State Public Information Officer, State Assistant Public Information Officer, First Appellate Authority, such other person against whom the appeal lies or the third party, as the case may be.

7. Keeping in view the above to comply with the provisions of the RTI Act, 2005 and the Punjab RTI Rules, it is very difficult to adopt the procedure laid down and call the objections of all total parties involved i.e. around 300 persons.

8. The similar issue has also been elaborated by the Supreme Court of India in the matter of Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors (Civil Appeal No. 6454 of 2011) reported as 2011(3)RCT(Civil) in which it has held that:-

*“The RTI Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens- Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty-National does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collection and furnishing information to applicants instead of discharging their regular duties----Indiscriminate and impractical demands or directions under RTI Act for disclosure of all the sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information”.*

9. As the complainant has alleged that he is seeking the information due to non submissions of NOC, financial loss has been caused to state exchequer. Therefore, the copy

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of the case file is being **sent** to the Chief Director, Vigilance Bureau Punjab to look into the matter and take appropriate action as per law in case any loss has been occurred to the state exchequer due to these registries. With these directions, the Commission is of the view that no further action is required to be taken in this case.

sd

Dated: 6.12.2021

(Suresh Arora)

Chief Information Commissioner,  
Punjab.

CC

Chief Director, Vigilance Bureau Punjab  
Mohali