

Sh. Swaran Singh, S/o Sh. Mahinder Singh,
H No-118, Ward No-10, Shakti Nagar,
Bhogpur, Distt Jalandhar.

.....Complainant

Vs

Public Information Officer,
O/o Sub Division Bhogpur,
PSPCL, Jalandhar.

.....Respondent

Complaint Case .No. 990 of 2019

PRESENT: None for the Complainant
Sh. Swaran Singh, AEE Sub-Division No.1, Bhogpur for the Respondent

ORDER:

The complainant through RTI application dated 29.07.2019 has sought information regarding electric meter account No. CC42/3048 and DC46/0948-M(HRS) and other information concerning the office of PSPCL sub Division, Bhogpur. The complainant was not provided the information after which the complainant filed a complaint in the Commission on 19.11.2019.

The case was first heard on 11.03.2020. The respondent present pleaded that the information has been provided to the complainant vide letter dated 12.02.2020 and a copy of the same submitted to the Commission. The complainant was absent.

Having gone through the file, the Commission observed that there has been an enormous delay of more than seven months in providing the information. The PIO was issued a **show cause notice under Section 20 of the RTI Act 2005 and directed to file reply on an affidavit.**

On the date of last hearing on **04.08.2020 which was** held through video conferencing at DAC Jalandhar, the respondent present pleaded that the information has already been provided to the complainant. The complainant was absent.

Regarding delay in providing the information, the respondent pleaded that due to shifting of their office, the record was not traceable and hence the information was delayed. The respondent has however, not submitted reply to the show cause notice issued to the PIO for delay in providing the information. The PIO was given one last opportunity to submit reply to the show cause notice on an affidavit.

Hearing dated 07.09.2020:

The case has come up for hearing today through video conferencing at DAC Jalandhar. The respondent present pleaded that the information has been supplied to the complainant vide letter dated 12.02.2020. The respondent has also submitted reply to the show cause notice from the PIO on an affidavit which is taken on the file of the Commission.

Having gone through the record, the Commission observes that the PIO has not attended to the RTI application within the time prescribed under the RTI Act and has supplied the information on 12.02.2020 only after the complainant came to the Commission. The PIO is also absent on 2nd consecutive hearing but has preferred to send the reply through a representative.

Complaint Case No. 990 of 2019

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, The PIO-PSPCL Bhogpur is hereby held guilty for not providing the information on time as prescribed under section 7, which is within 30 days of the receipt of the request, and for repeated and willful defiance of the Punjab State Information Commission's orders.

A penalty of **Rs.10,000/-** is hereby imposed upon the PIO-PSPCL Bhogpur which be deposited in the Govt. Treasury. The PIO-PSPCL, Bhogpur is directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury.

To come up for further hearing on **20.10.2020 at 11.00 AM** through video conference facility available in the office of **Deputy Commissioner, Jalandhar**.

Chandigarh
Dated 07.09.2020

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Deepak Kalia,
H NO-31, kailash Nagar, Sodal Road,
Jalandhar.

.....Appellant

Vs

Public Information Officer,
O/o EO, PUDA, Jalandhar.

First Appellate Authority
O/o PUDA,
Jalandhar.

...Respondent

Appeal Case .No. 4293 of 2019

PRESENT: Sh.DeepakKalia as the Appellant
Sh.Sanjeev Sharma, PIO-JDA Jalandhar for the Respondent

ORDER:

The case was first heard on 11.03.2020. The respondent present pleaded that since the information relates to 3rd party, they have written a letter to the 3rd party for seeking its consent and after receipt of consent of the 3rd party, the information will be supplied.

The appellant was absent. Having gone through the record, the Commission found that there is nothing on record which establishes that the disclosure of information has a larger public interest. The appellant was directed to convince the Commission that there is a larger public interest involved in disclosure of information.

The case was last heard on **04.08.2020** through video conferencing at DAC Jalandhar. The appellant was absent nor had submitted any document which establishes that the disclosure of information has a larger public interest.

Having gone through the RTI application all over again with the respondent, the PIO was directed to relook at the RTI application and provide the information to the appellant on all points as per the RTI Act.

The respondent however, pleaded that the appellant be allowed inspection of the record as desired by the appellant in point-10. The appellant was directed to inspect the record by fixing a mutually convenient date and time with the PIO and get the relevant information. The PIO was directed to allow inspection of the record and provide the relevant information as per RTI Act.

Hearing dated 07.09.2020:

The case has come up for hearing today through video conferencing at DAC Jalandhar. The respondent present pleaded that the appellant has inspected the record and the relevant information containing 208 pages has been digitally provided to the appellant. The appellant has received the information but wants to go through the information.

The appellant is directed to point out the discrepancies if any in writing to the PIO with a copy to the Commission and the PIO is directed to sort out the same.

To come up for further hearing on **20.10.2020 at 11.00 AM** through video conference facility available in the office of **Deputy Commissioner, Jalandhar.**

Sd/-

Chandigarh
Dated 07.09.2020

(Khushwant Singh)
State Information Commissioner

Sh Anil Mittal, S/o ShDharam Pal,
22121, Gali No-11/4, Power House Road,
Bathinda.

... Appellant

Versus

Public Information Officer,
O/o EO, BDA,
Bathinda.

First Appellate Authority,
O/o Addl, Chief Administrator,
BDA, Bathinda.

...Respondent

Appeal Case No. 1943 of 2019

PRESENT: Sh.Anil Mittal as the Appellant
Sh.Naib Singh, Revenue Patwari Patti Mehna for the Respondent

ORDER: The case was first heard on 17.10.2019. The respondent present pleaded that the information has been provided to the appellant. The appellant was not satisfied and informed that the information supplied is incomplete and not certified. Hearing both the parties, following was concluded:

Points-1,2,3,4,5, 7, 8, 9, 11 & 14	-	Information provided.
Points-10	-	Information not available in the record
Points-6, 12 & 13	-	Respondent informed that the information relates to Revenue Patwari, Patti Mehna Distt. Bathinda. The PIO is directed to transfer the RTI Application to the Concerned Patwari. The Revenue Patwari, Patti Mehna is impleaded in the case and directed to provide the information duly certified.

The case was again heard on **23.12.2019**. Both the parties were absent. The PIO-Revenue Patwari was also absent. The PIO-Revenue Patwari, Patti Mehna, was given one more opportunity to comply with the earlier order of the Commission and be present on the next date of hearing.

The case was last heard on **17.03.2020 through** video conferencing at DAC Bathinda. The appellant informed that the PIO-Revenue Patwari, Patti-Mehna has not provided the information and the information supplied on points 1,3,4,5,11 & 14 is not legible.

The Revenue Patwari, Patti Mehna was absent. The PIO was directed to provide legible and signed copies of the information to the appellant. The Revenue Patwari, Patti Mehna was given one last opportunity to provide the information concerning them as per earlier order which still stands otherwise the Commission will be constrained to take action as per the provisions of RTI Act. The information be provided within 15 days.

Hearing dated 07.09.2020:

The case has come up hearing today through video conferencing at DAC Bathinda. The Revenue Patwari, Patti Mehna is present and informed that the information concerning them has been supplied to the appellant. The appellant stated that he has received information on point-6 only and other information that has been provided by the PIO-BDA is also not legible.

Having gone through the RTI application and hearing both the parties, the following was concluded:

- | | | |
|-----------------|---|-----------------------------------------------------------------------------------------------------------|
| - Point-1,2,3&4 | - | As per appellant, the information is not legible. The PIO-BDA to provide legible copy of the information. |
| - Point-5 | - | PIO to respond appropriately |
| - Point-6 | - | Copy of jamabandi to be provided by Patwari |
| - Point-7 | - | NA |
| - Point-8 | - | BDA to provide the information |
| - Point-9 | - | The appellant is not satisfied with the reply. The PIO to Provide complete information. |
| - Point-10 | - | PIO to provide list of litigations |
| - Point-11 | - | Appellant not satisfied, PIO to provide complete information |
| - Point-12 | - | PIO to provide demarcation |
| - Point-13 | - | PIO to reply suitably |
| - Point-14 | - | To reply appropriately |

The Commission observes that since the information that has been sought by the appellant is voluminous, the PIO is directed to contact the appellant on his mobile No.9643122971 and sort out all the discrepancies and provide complete information within a week of the receipt of this order otherwise the Commission will be constrained to issue a show cause to the PIO under section 20 of the RTI Act.

Since there is an enormous delay in providing the information, a copy of order is being sent to the Chief Administrator ,BDABathinda with the direction to ensure compliance of the order.

To come up for further hearing on **12.10.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Bathinda.

Chandigarh
Dated 07.09.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: Revenue Patwari,
Patti Mehna, Distt.Bhatinda



ShKawal Nain Singh,
62, Model Town,
Ambala City.

... Appellant

Versus

Public Information Officer,
O/o GMADA,
Mohali.

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

...Respondent

Appeal Case No. 3956 of 2019

PRESENT: Sh.Kawal Nain Singh as the Appellant
Sh.Harpal Singh, APIO and Sh.Gurvinder Singh, PIO-GMADA Mohali for the
Respondent

ORDER: The appellant through RTI application dated 09.07.2019 has sought information regarding allotment of religious sites to religious bodies – allotment of sites to DeraRadha Swami Satsang Beas in SAS Nagar Mohali alongwith a copy of map of sector 76 to 80 as on 21.02.2000 and other information concerning the office of GMADA Mohali. The appellant was not satisfied with the reply of the PIO dated 02.08.2019 whereby the PIO informed the appellant that since the information is voluminous, the appellant to inspect the record on any working day and get the relevant information after which the appellant filed first appeal before the First Appellate Authority on 05.09.2019 which took no decision on the appeal.

The case was first heard on 19.02.2020. The respondent present pleaded that the information is voluminous and the PIO is on leave due to illness and has sought adjournment.

The PIO was directed to relook at the RTI application and provide point-wise information to the appellant with a copy to the Commission. The First Appellate Authority was also directed to ensure that the information is provided on all points.

On the date of last hearing on **30.06.2020**, the respondent present pleaded that since the information is voluminous and no PIO is posted, the appellant be asked to inspect the record and get the relevant information.

Hearing both the parties, the Commission directed the respondent to bring entire case file to the Commission at the next date of hearing for the appellant to inspect the record.

Hearing dated 07.09.2020:

The respondent has brought the record. The appellant has inspected some of the record and has agreed to inspect the remaining record by visiting the office of the PIO on 11.09.2020 at 11.00 AM.

The PIO is directed to allow the inspection of the remaining record to the appellant and provide the relevant information as per the RTI Act.

To come up for further hearing on **06.10.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Mohali.

Chandigarh
Dated 07.09.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

Sh. Arvinder Singh Bedi,
H No-593, Phas3B-1, Mohali.

...Appellant

Vs

Public Information Officer,
O/o PUDA,
Mohali.

First Appellate Authority
O/o PUDA,
Mohali.

...Respondent

Appeal Case .No. 4253 of 2019

PRESENT: Sh.Ajit Pal Singh, Advocate for the Appellant
Sh.Gurvinder Singh, PIO-GMADA for the Respondent

ORDER: The case was last heard on 11.03.2020. The appellant claimed that the PIO has not provided the information. The respondent present informed that the information relates to the PIO-GMADA. The Commission observed that the GMADA was not being represented for a couple of months. The respondent informed that due to ill-health, the PIO-GMADA is not in a position to attend the hearing. The respondent further informed that on the appeal of the appellant, the First Appellate Authority verbally ordered PUDA to provide the information within a week. The respondent had brought some information on behalf of the PIO-GMADA. However, the appellant was not satisfied with this information.

The Commission directed the First Appellate Authority, GMADA to appoint a fresh PIO who can represent the organization on various hearings. A copy of the order was sent to the First Appellate Authority with the direction to ensure that this order is being complied with and the information is provided to the appellant as per RTI application.

The case was last heard on **30.06.2020**. The appellant claimed that the PIO has not provided the information. The respondent present pleaded that the information was ready but the signing authority was on leave. The respondent further informed that the earlier PIO has been transferred and no fresh PIO has been posted. The respondent however, assured to provide the information within a week. The respondent was directed to comply with the earlier order of the Commission and provide the information to the appellant within a week.

Hearing dated 07.09.2020:

The respondent present pleaded that since the earlier PIO has been transferred and he has just joined as PIO as well as the information is voluminous, the appellant be asked to inspect the record and get the relevant information. The counsel for the appellant has agreed for the same.

The appellant is directed to inspect the record by visiting the office of PIO on 17.09.2020 at 11.00 AM and get the relevant information. The PIO is directed to allow inspection of the record to the appellant and provide the relevant information as per the RTI Act.

To come up for further hearing on **06.10.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Mohali.

Chandigarh
Dated 07.09.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: PIO-GMADA, Mohali



Sh. Deven Munjal,
Ward No-19, Street NO-4, Roop Nagar,
Gidderbaha, Distt Sri Mukatsar Sahib.

... Appellant

Versus

Public Information Officer,
O/o Tehsildar, Gidderbaha,
Distt. Sri Mukatsar Sahib.

First Appellate Authority,
O/o SDM, Gidderbaha,
Distt. Sri Mukatsar Sahib.

... Respondent

Appeal Case No. 1227 of 2019

PRESENT: None for the Appellant
None for the Respondent

ORDER: This order should be read in continuation to the earlier order.

The case was first heard on 31.07.2019. The appellant claimed that the PIO has not provided the information. The respondent was absent. The commission received an email from the PIO stating that the appellant has been asked to get copies of NOCs regarding point-1 from the Sewa Kendra by depositing requisite fee and the information regarding point-2 has been sent to the appellant.

Having gone through the reply, the Commission observed that information is incomplete since the appellant in point-2 has asked for RTI applications which were replied within the prescribed time of 30 days. The PIO had also not replied regarding points-3 & 4. The appellant was directed to inspect the record regarding point-1 by visiting the office of PIO by fixing a mutually convenient date and time and get the relevant information. The PIO was directed to allow inspection of record and provide the information regarding point-1, in the form it exists.

Due to an enormous delay of 10 months in attending to the RTI application, the PIO was issued a **show cause notice Section 20 of the RTI Act and directed to** file reply on an affidavit. The PIO was again directed to provide the information to the appellant within 10 days.

On the date of hearing on **28.11.2019**, the respondent pleaded that the information has been supplied to the appellant vide letter dated 02.09.2019. The appellant claimed that despite order of the Commission as well as direction of the First Appellate Authority, the PIO has not allowed the inspection of record pertaining to the information regarding point-1. The PIO had also sent wrong and misleading information regarding points-2, 3 & 4.

Hearing both the parties, the Commission directed the PIO to relook at the RTI application and provide complete information on points 2,3& 4. Regarding point-1, the PIO to bring original record to the Commission at the next date of hearing. The PIO was also directed to appear personally and file detailed reply to the show cause notice.

On the date of hearing on 25.02.2020, the appellant claimed that the PIO has not supplied the information on points 2 & 3. The PIO was absent. The representative appeared on behalf of PIO brought some record which was not as per the information sought in point-1. The PIO had not provided the information on points 2 & 3.

Since the PIO was not appearing before the Commission despite various orders, to secure the erring PIO's presence before the Commission, a bailable warrants Under Section 18(3) of the RTI Act of the PIO-TehsildarGidderbaha,District Sri Mukarsar Sahib was issued through Senior Superintendent of Police, Sri Mukatsar Sahib for his presence before the Commission on**08.04.2020**. **The PIO was** also directed to provide information on all three points and allow the inspection of record to the appellant regarding point-1. The First Appellate Authority, SDM, Gidderbaha was also directed to ensure compliance of this order.

Due to lock down in the State of Punjab on 08.04.2020, the case was postponed and fixed for further hearing on 16.06.2020.

On the date of hearing on 16.06.2020, the PIO-TehsildarGidderbaha was absent nor had sent any reply to the show cause notice. To secure the PIO's presence before the Commission, a fresh bailable warrant of PIO-TehsildarGidderbaha was again issued through Senior Superintendent of Police, Sri Mukatsar Sahib for his presence before the Commission on**15.07.2020****which** date was postponed to 07.09.2020.

Hearing dated 07.09.2020:

The case has come up for hearing today. Both the parties are absent. The PIO vide email has informed that due to the staff of SDM office having been found corona positive, the SDM Gidderbaha has ordered all the staff of SDM office and Tehsil Office to remain home quarantined from 05.09.2020 to 08.09.2020 and hence he is unable to appear before the Commission.

The appellant vide email has also sought exemption for personal appearance due to one of his nearest contacts suffering from high fever.

The case is adjourned. To come up for further hearing on **20.10.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, **Sri Mukatsar** Sahib. The PIO-TehsildarGidderbaha to appear at **Chandigarh**.

Chandigarh
Dated:07.09.2020

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Harmit Singh, C/o Baba Kala Finance Company,
Near Truck Union, Phool Road,
RampuraPhul, 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: Facts of the case:-

- That Sh.Harmit Singh through RTI application dated 30.08.2018 sought information regarding details of new vehicle numbers allotted to the vehicles by getting NOC from other states and copies of NOC from the office of Secretary, Regional Transport Authority, Sangrur.
- That the appellant was not provided the information the appellant filed first appeal before the First Appellate Authority on 11.10.2018 and thereafter second appeal in the Commission on 02.01.2019.
- That the case came for hearing first on 10.04.2019. Both the parties were absent. The case was adjourned.
- That on the next date of hearing on 11.06.2019, the appellant claimed that the PIO has not provided the information. The PIO was absent.
- That on 23.07.2019, the PIO was again absent. The PIO was directed to comply with the earlier order and appear personally or through its representative on the next date of hearing alongwith the explanation for not attending to the RTI application. A copy of the order was sent to STC Punjab, Chandigarh to get the order served to the concerned PIO and to ensure compliance of the order.
- That on 28.08.2019, the PIO was again absent. The PIO was given one more opportunity to comply with the order of the Commission and appear personally or through its representative on the next date of hearing. It was also brought to the notice of Secretary Transport that the TRA Sangrur is not attending the court and a notice may be taken of this dereliction and appropriate disciplinary action be taken against the RTA Sangrur.

Appeal Case No. 182 of 2019

- That on 05.12.2019, the PIO was absent nor had provided the information, the PIO was issued a **show cause notice under section 20 of the RTI Act and directed to file reply on an affidavit. The** PIO was again directed to provide the information to the appellant within 10 days.
- That on the next date of hearing which was held on **27.01.2020**, the PIO-RTA Sangrur was again absent nor had filed any reply to the show cause notice. The PIO –RTA Sangrur was given one last opportunity to appear before the Commission and file a reply to the show cause notice otherwise the Commission will be constrained to take action in terms of the provisions of section 20 of the RTI Act.
- A copy of the order was sent to Secretary, Govt of Punjab, Department of Transport with the direction to get the order served to the RTA Sangrur as well as to ensure that the concerned PIO to appear before the Commission personally or through its representative alongwith reply to the show cause notice on the next date of hearing.
- That the case last came up for hearing on **16.06.2020**. The appellant informed that the PIO has not provided the information. Sh.Gurpal Singh, O/o STC Punjab, Chandigarh appeared and informed that they have already sent instructions to the PIO-RTA Sangrur for his appearance before the Commission. The PIO-RTA Sangrur was absent.
- That the Commission was informed that the department had changed the designation of the PIO, however, while filing of RTI application and subsequent hearings, the PIO was the Regional Transport Authority Sangrur and since the PIO-cum-RTA was continuously absent and not appearing before the Commission, to secure an erring PIO's presence before the Commission, a bailable warrant of the Regional Transport Authority Sangrur under section 18(3) of the RTI was issued through Senior Superintendent of Police, Sangrur for his presence before the Commission on **15.07.2020 which date was postponed to 07.09.2020**. The PIO was again directed to provide information to the appellant within 10 days.
- That the case has come up for hearing today. The PIO is again absent nor has sent any reply to the show cause notice as well as not provided the information to the appellant.
- Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, and while filing the RTI application and further hearings, the Secretary, Regional Transport Authority Sangrur was the PIO, the Secretary-Regional Transport Authority, Sangrur(the then PIO) is hereby held guilty for not providing the information on time as prescribed under section 7, which is within 30 days of the receipt of the request, and for repeated and willful defiance of the Punjab State Information Commission's orders.
- A penalty of **Rs.25,000/-** is hereby imposed upon the Secretary-Regional Transport Authority, Sangrur(the then PIO) which be deposited in the Govt. Treasury. The Secretary, Regional Transport Authority, Sangrur(the then PIO) is directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury.

- Further keeping the above-mentioned facts of the case, it is clear that the PIO is flouting the spirit of the RTI Act continuously. The PIO-cum-RTA Sangrur has not only shown utter disregard for the Commission's repeated orders to provide the information but has shown willful stubbornness in not replying to the Show Cause and not appearing before the commission despite various orders.

To secure an erring PIO's presence before the commission, a fresh warrant of the Secretary, Regional Transport Authority, Sangrur (the then PIO) Under Section 18(3) of the RTI Act, is hereby issued through Senior Superintendent of Police, Sangrur for his presence before the Commission on **13.10.2020**.

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

- A copy of the order is being sent to Secretary, Govt of Punjab, Department of Transport with the direction to get the order served to the RTA Sangrur as well as to ensure that the concerned PIO to appear before the Commission personally or through its representative alongwith reply to the show cause notice on the next date of hearing.

To come up for further hearing on **13.10.2020 at 11.00AM**.

Chandigarh
Dated 07.09.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :1. State Transport Commissioner, Pb,
Sector 17, Chandigarh.

2. Secretary, Govt of Punjab,
Department of Transport,
Chandigarh.

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

In case:Harmit SinghV/s Public Information Officer-RTA Sangrur

APPEAL CASE NO.182 of 2019

UNDER SECTION 18 OF THE RIGHT TO INFORMATION ACT, 2005

Next Date of Hearing :13.10.2020

To

**The Senior Superintendent of Police,
Sangrur**

Whereas the Secretary-Regional Transport Authority, Sangrur (the then PIO-RTA Sangrur) 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 Secretary-Regional Transport Authority, Sangrur(the then PIO) to appear before the undersigned at Red Cross Building, Near Rose Garden, Sector 16, Chandigarh on **13.10.2020 at 11.00 AM.**

**Chandigarh
Dated: 07.09.2020**

**(Khushwant Singh)
State Information Commissioner**