

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, NEAR ROSE GARDEN,

SECTOR 16, CHANDIGARH.

Ph: 0172-2864118, Email: - psic28@punjabmail.gov.in

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APPEAL CASE NO. 763 OF 2012

Sh. Ajay Kumar Sehgal
S/o Sh. Jagdish Kumar,
339, Chhoti Baradari Part-1,
Near Medical College, Jalandhar City.

...Appellant

Versus

Public Information Officer,
O/o Executive Officer,
Improvement Trust, Jalandhar.

First Appellate Authority
O/o Regional Deputy Director,
Local Govt., Master Tara Singh Nagar,
Jalandhar.

...Respondents

PRESENT: None for the parties.

ORDER:

This order may be read with reference to the previous order dated: 13.03.2019.

2. The appellant is absent from today's hearing in the Commission and he was also absent on the last hearings dated: 03.05.2018, 19.06.2018, 12.09.2018, 17.10.2018, 29.11.2018, 03.01.2019, 06.02.2019 and 13.03.2019.

3. The Respondent – PIO is absent for today's hearing in the Commission, however he has sent an Email in the Commission mentioning therein that he is unable to attend today's hearing in the Commission due to Lok Sabha election duty and requests for an adjournment.

4. The brief facts of this case are that Shri Ajay Kumar Sehgal filed RTI application dated 23-07-2011 with the PIO-cum- Executive Officer, Improvement Trust, Jalandhar seeking information regarding "Shourya Greens" housing project being developed by NITISHREE INFRASTRUCTURE LTD. on a land measuring 16.52 acres allotted out of 170 Acre Development Scheme by the Improvement Trust, Jalandhar.

5. On 19-09-2013, the CIC passed a detailed order running into six pages. In para No. 14 of his orders, the CIC ordered as under :-

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"Accordingly, I hereby direct the respondent-PIO/ Improvement Trust, Jalandhar to permit inspection of the site and allow the appellant to draw samples of the material in accordance with the procedure laid down by the Punjab Public Works Department (B&R) for drawing of samples of govt. works within one month of this order."

The CIC further observed that complete information was given and nearly 680 pages were furnished in the very first instance, shows that there was no intentional denial of the information. Complicated issues of the fact and law were involved and PIO failed to appreciate the legal nuances of the relevant provisions of the RTI Law. This is not a fit case for imposition of penalty. With these observations, the present case filed in the Commission on 29-08-2012 is closed.

6. Aggrieved by the order of the CIC, M/S Shourya Tower Pvt. Ltd. filed a CWP No. 22615 of 2013 in the High Court of Punjab and Haryana at Chandigarh impleading the State Information Commission and others as respondents.

7. The Hon'ble Mr. Justice, Rajan Gupta, passed the following order on 02-12-2017—

*"It appears that information was sought by a person who never applied for allotment of flat. He filed application as a public spirited citizen. State Commission disposed of the same with permission to the petitioner to inspect the site and to draw samples of material in accordance with the procedure laid down by PWD(B&R) Department. This court finds the order **cryptic** as no clear finding has been given on the issue whether third party has any locus standi to move application under the provisions of Right to Information Act. Besides, judgment reported as **Thalappalam Service Coop Bank Ltd Vs State of Kerala (2013) 16 SCC 82** has not been considered.*

Under the circumstances, impugned order is set-aside. Matter is remanded to the same authority for decision afresh as per law after affording of opportunity of hearing to the parties.

8. The perusal of the file indicates that after the directions of the Hon'ble High Court, the appellant and M/S Shourya Tower Pvt. Ltd. has been given various opportunities to represent their case in the Commission but they never turned up and no observation has been received from them.

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9. In view of the above, it is revealed that the available information has already been provided to the appellant by the Respondent. The appellant has not attended the Commission consecutively 8th times entailing thereby that he does not want to follow up his case further. The Appellant was not present even on the last date of hearing. It appears that Appellant is not interested in pursuing the matter any further. The case is **dismissed for non prosecution**. Copies of the order be sent to the parties.

**Chandigarh
08.05.2019**

Sd/-
(Hem Inder Singh)
State Information Commissioner

Copy to Intimation & Necessary Action: -

M/S Shourya Towers Pvt. Ltd.
Regd. Office-78-B, Sector D-2, Group II,
DDA Flat, Kondli Gharoli, Mayur Vihar,
Phase-III, Delhi-96.