



ShYogeshMahajan,
Opposite Water Tank, Municipal Market,
Mission Road, Pathankot.

... Appellant

Versus

Public Information Officer,
O/o XEN, Water Supply and Sanitation Division,
Faterhgarh Sahib.

First Appellate Authority,
O/o SE, Water supply and Sanitation Division,
Patiala.

...Respondent

Appeal Case No. 576 of 2020

PRESENT: None for the Appellant
Sh.Sukhjitt Singh, SDE O/o Water Supply & Sanitation Div for the
Respondent

ORDER:

The appellant through RTI application dated 01.11.2019 has sought information regarding Grants received and utilized by the divisions from 01.10.2018 to 01.11.2019 –work order booked, other work for which no tender called and other information concerning the office of XEN, Water Supply and Sanitation Division, Faterhgarh Sahib. . The appellant was asked by the PIO vide letter dated 18.11.2019 to deposit requisite fee of Rs.2350/- after which the appellant filed first appeal before the First Appellate Authority on 10.12.2019 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Fatehgarh Sahib. The respondent present pleaded that the information has been sent to the appellant vide letter dated 01.07.2020. The appellant is absent and vide email has informed that he has not received the information.

There may be postal delay and the information might not have been received by the appellant. Once the information is received, the appellant is directed to point out the discrepancies to the PIO with a copy to the Commission and the PIO is directed to remove the discrepancies.

The case is adjourned. To come up for further hearing on **02.09.2020 at 01.00 PM** through video conference facility available in the office of Deputy Commissioner, Fatehgarh Sahib.

Chandigarh
Dated 08.07.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
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ShYogeshMahajan,
Opposite Water Tank, Municipal Market,
Mission Road, Pathankot.

... Appellant

Versus

Public Information Officer,
O/o XEN, Water Supply and Sanitation Division,
Fatehgarh Sahib.

First Appellate Authority,
O/o SE, Water supply and Sanitation Division,
Patiala

...Respondent

Appeal Case No. 582 of 2020

PRESENT: None for the Appellant
Sh.Sukhjitt Singh, SDE O/o Water Supply & Sanitation Div for the
Respondent

ORDER:

The appellant through RTI application dated 01.11.2019 has sought information regarding Grants received and utilized by the divisions from 01.10.2018 to 01.11.2019 and other information concerning the office of XEN, Water Supply and Sanitation Division, Fatehgarh Sahib. . The appellant was asked by the PIO vide letter dated 18.11.2019 to deposit requisite fee of Rs.2350/- after which the appellant filed first appeal before the First Appellate Authority on 10.12.2019 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Fatehgarh Sahib. The respondent present pleaded that the information has been sent to the appellant vide letter dated 01.07.2020. The appellant is absent and vide email has informed that he has not received the information.

There may be postal delay and the information might not have been received by the appellant. Once the information is received, the appellant is directed to point out the discrepancies to the PIO with a copy to the Commission and the PIO is directed to remove the discrepancies.

The case is adjourned. To come up for further hearing on **02.09.2020 at 01.00 PM** through video conference facility available in the office of Deputy Commissioner, Fatehgarh Sahib.

Chandigarh
Dated 08.07.2020

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. NilkhilSaraf,
H NO-51-52, Kansal Enclave,
Near Kansal Village, Distt Mohali.

... Complainant

Versus

Public Information Officer,
O/o PPCB,
Patiala.

...Respondent

Complaint Case No. 23 of 2020

PRESENT: Sh.NikhilSaraf as the Complainant
Sh.Harinder Singh, AEE, PPCB for the Respondent

ORDER:

The complainant through RTI application dated 28.10.2019 has sought information regarding list of villages in which there is no provision of sewerage treatment plants and other information concerning the office of PPCB Patiala. The complainant was not provided the information after which the complainant filed complaint in the Commission on 27.02.2019.

The case has come up for hearing today through video conferencing at DAC Patiala. The complainant claims that the PIO has not supplied the information.

The respondent present pleaded that since the information relates to the department of Local Bodies and Department of Rural Development & Panchayat, the RTI application was transferred to them vide letter dated 13.11.2019, and a copy of the letter was endorsed to the complainant.

During the course of hearing, it was informed by the respondent that they are only monitoring the treatment plants installed in the city. The complainant has now asked to provide the list of treatment plants installed.

The PIO is directed to provide a list of areas where treatment plants have been installed. The information be provided within 10 days.

With the above order, the case is **disposed off and closed.**

Chandigarh
Dated 08.07.2020

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. NilkhilSaraf,
H NO-51-52, Kansal Enclave,
Near Kansal Village, Distt Mohali.

... Complainant

Versus

Public Information Officer,
O/o PPCB,
Patiala

...Respondent

Complaint Case No. 25 of 2020

PRESENT: Sh.NikhilSaraf as the Complainant
Sh.Harinder Singh, AEE, PPCB for the Respondent

ORDER:

The complainant through RTI application dated 28.10.2019 has sought information regarding list of villages in which there is no facility of dumping and treatment of solid waste as per provision of Environmental Act and other information concerning the office of PPCB Patiala. The complainant was not provided the information after which the complainant filed complaint in the Commission on 27.12.2019.

The case has come up for hearing today through video conferencing at DAC Patiala. The complainant claims that the PIO has not supplied the information.

The respondent present pleaded that since the information relates to the department of Local Bodies and Department of Rural Development & Panchayat, the RTI application was transferred to them vide letter dated 15.11.2019, and a copy of the letter was endorsed to the complainant.

During the course of hearing, it was informed by the respondent that they are only monitoring the dumping grounds/ treatment plants in the city. The complainant has now asked to provide the list of treatment plants/dumping grounds.

The PIO is directed to provide an inventory list of areas where facility for dumping and treatment of solid waste has been provided. The information be provided within 10 days.

With the above order, the case is **disposed off and closed.**

Chandigarh
Dated 08.07.2020

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Madan Singh, S/o Sh ram Pratap,
R/o Village KalarBhaini, P.O Jhandi,
Distt Patiala.

... Complainant

Versus

Public Information Officer,
O/o DC,
Patiala.

...Respondent

Complaint Case No. 156 of 2020

PRESENT: Sh.Madan Singh as the Appellant on W/s
Sh.Amarjit Singh, DRO Patiala for the Respondent

ORDER:

The complainant through RTI application dated 14.10.2019 has sought information regarding action taken on application dated 25.10.2018 – statement of both parties and other information concerning the office of DC Patiala. The complainant was not provided the information after which the complainant filed complaint in the Commission on 05.02.2020.

The case has come up for hearing today through video conferencing at DAC Patiala. The respondent present pleaded that the available information has been supplied to the complainant vide letter dated 26.11.2019 and a copy sent to the Commission via email. The respondent further informed that since the matter relates to Civil Surgeon Patiala, they have asked the Civil Surgeon Patiala vide letter dated 27.11.2018 to take necessary action and send action taken report, which is yet to be received.

Having gone through the record, the Commission observes that since the complainant has come to the Commission without going to the First Appellate Authority, I hereby remand back the case to the First Appellate Authority and direct the First Appellate Authority to treat the case as an appeal and dispose off the same within a period of 30 days.

With the above order, the case is **disposed off and closed**.

Chandigarh
Dated 08.07.2020

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Rajinder Singh, S/o ShGian Singh,
R/o HNO-20, Village RasulpurSaida,
Tehsil &Distt Patiala.

... Appellant

Versus

Public Information Officer,
O/o SSP,
Patiala.

First Appellate Authority,
O/o SSP,
Patiala.

...Respondent

Appeal Case No. 7 of 2020

PRESENT: Sh.Rajinder Singh as the Appellant
Sh.Hakam Singh, ASI for the Respondent

ORDER:

The appellant through RTI application dated 11.09.2019 has sought information regarding details of police officials deputed during NC election 2017 in ward No.20 and their belt number and other information concerning the office of SSP Patiala. The appellant was denied the information vide letter dated 09.10.2019 stating that the information is personal information of the police officials and is exempt under section 8(1) of the RTI Act after which the appellant filed first appeal before the First Appellate Authority on 07.11.2019 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Patiala. The respondent present pleaded that the information has been provided to the appellant and the appellant has received the same.

Since the information has been provided, no further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated 08.07.2020

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Ajay Nand / Ajay Kumar Mehta,
C-118, East Mohan Nagar,
Chamrang Road, Amritsar.

... Appellant

Versus

Public Information Officer,
O/o Managing Director, PSPCL,
Patiala.

First Appellate Authority,
O/o Chairman-cum-Managing Director,
PSPCL, Patiala.

...Respondent

Appeal Case No. 190 of 2020

PRESENT: Sh.Ajay Kumar Mehta as the Appellant on Mobile call
Sh.RaviKathuria, Addl.SE – and Sh.Gurpreet Singh, PSPCL for the
Respondent

ORDER:

The appellant through RTI application dated 30.07.2019 has sought information regarding rates for domestic and commercial electricity supply charged and other information concerning the office of Managing Director, PSPCL Patiala. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 06.09. 2019. Thereafter, the PIO sent information to the appellant vide letter dated 20.09.2019, 25.09.2019 & 01.10.2019. On being not satisfied with the information, the appellant filed 2nd appeal in the Commission.

The case has come up for hearing today through video conferencing at DAC Patiala. The respondent present pleaded that the information has already been supplied to the appellant vide letter dated 20.09.2019, 25.09.2019 & 01.10.2019. The appellant is not satisfied and pleaded that the information is incomplete.

Respondent number 1 Sh. Ravi Kathuria ,Addl SE states that point one and two pertain to their department and the sought information was available online for which a reply has already been sent to the appellant.

Respondent number 2 Gurpreet Singh from PSPCL pleaded that the sought information regarding point 3 has already been sent to the appellant. The respondent further pleaded that the information sought under point 4 is in a very vague form and since there are numerous agreements that the PSPCL has entered to procure electricity. The respondent pleaded the appellant be directed to ask for specific agreements as otherwise it would become very tedious to put together information, which in turn will divert the human resources of the department. Regarding point 5 the respondent replied that the information has been procured from the concerned department and has provided to the appellant.

As per order of the Commission, the appellant was asked to attend the hearing through a video conference facility available in the office of DC Patiala. Since the appellant preferred not to appear at the mentioned venue, he was given an opportunity to plead his case via a What's app video call. Internet connection being poor, the bench went ahead to bring the appellant on his telephone to hear the proceedings of the case via a voice call.

During the course of the hearing, the appellant on the telephone expressed that he has no intention to download the information for points one and two from the website and declined it outright. He pleaded that the information be provided to him in physical form.

The appellant further claimed that he had not received information regarding points 3 and 4 but has received the information for point 5.

Order

Regarding points one and two, the bench is clear that once the information has been declared suo-moto by the public authority and is available on the website in electronic form, the information is no longer held up by the authority. To balance this argument Section 2 (j) of the Right to Information Act 2005 is very clear in its meaning of what consists information and states the following- "right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to (i) inspection of work, documents, records; (ii) taking notes, extracts or certified copies of documents or records; (iii) taking certified samples of material; (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.

Since the said information is neither stored, nor held or controlled by the public authority anymore this can no longer be classified as information under the RTI Act, 2005. Thus, I see no reason why information should be provided in a physical form if it is available online on a website. And especially when the appellant appears technology savvy and well versed with handling Internet technology.

This particular argument also takes me to the guiding spirit of section 4 (2) of the RTI Act 2005 which clearly states that ' It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suo-moto to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information. '

If the public authority has taken the step to implement section 4, I ordering that information provided in a physical form will be detrimental to the effort of the public authority and the State Information Commission which is trying hard to get section 4 of the RTI Act implemented so that public will have minimum resort to use this Act to obtain information. Hence the plea of the appellant to get the information regarding point one and two in physical form is rejected and the appellant is advised to download the information from the website of the public authority. However, for the convenience of the appellant the Appellate Authority is directed to once again send the link/website address to the appellant.

Regarding point 3 the respondent is directed to send the information once again to appellant. The information be sent via registered post.

Regarding point 4, the commission checked with the respondent that whether they maintain an inventory/index of all the agreements made with various stakeholders, to which the respondent answered in the affirmative. The respondent is directed to send a list of all the agreements that have been made to the appellant. The appellant on receiving such a list may ask for ten agreement copies of his choice. They are to be provided free of cost.

Regarding point 5, the appellant has expressed his satisfaction so no further course of action is required.

The case is adjourned. To come up for further hearing on **02.09.2020 at 01.00 PM** through video conference facility available in the office of Deputy Commissioner, Patiala.

Chandigarh
Dated 08.07.2020

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Jarnail Singh, S/o Sh Thakur Singh,
R/o 23/14, Anand Nagar-B,
Tipri, Patiala

... Appellant

Versus

Public Information Officer,
O/o SDO, Distribution Sub Division,
Kalyan, PSPCL, Patiala.

First Appellate Authority,
O/o East Division, PSPCL,
Patiala.

...Respondent

Appeal Case No. 199 of 2020

PRESENT: Sh.Jarnail Singh as the Appellant
Sh.Ajaib Singh, SDO Operation PSPCL Kalyan for the Respondent

ORDER:

The appellant through RTI application dated 20.08.2019 has sought information regarding application of KaramjitKaur along with other documents – proof of ownership of land, submitted for electric connection installed in her name in front of Govt. School Patiala and other information concerning the office of SDO Distribution Sub Division, Kalyan. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 14.11.2019 which took no decision on the appeal. After filing appeal, the PIO sent reply to the appellant vide letter dated 25.11.2019 stating that the information being 3rd party, it cannot be provided.

The case has come up for hearing today through video conferencing at DAC Patiala. The respondent present pleaded that the information is 3rd party and cannot be provided. The respondent however, has not issued notice to the 3rd party for calling its consent.

The appellant has asked for information regarding electric connection installed in the name of KaramjitKaur alleging that the tubewell connection granted to KaramjitKaur is on his land and he is seeking the information to check the record.

The 3rd party Mrs.Karamjit Kaur is impleaded in the case and directed to appear before the Commission on the next date of hearing and plead its case.

The case is adjourned. To come up for further hearing on **02.09.2020 at 01.00 PM** through video conference facility available in the office of Deputy Commissioner, Patiala.

Chandigarh
Dated 08.07.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to Mrs.Karamjit Kaur w/o Sh.Pargat Singh
Village Kheri Musalmania, Distt.Patiala



Sh. Ranjit Singh, S/o Sh Ram Singh,
VPO Galwati, Police Station, SadarNabha,
Tehsil Nabha, Distt Patiala.

... Appellant

Versus

Public Information Officer,
O/o SSP,
Patiala.

First Appellate Authority,
O/o IGP, Patiala Range,
Patiala .

...Respondent

Appeal Case No. 416 of 2020

PRESENT: Sh.Ranjit Singh as the Appellant
Sh.Hakam Singh, ASI for the Respondent

ORDER:

The appellant through RTI application dated 31.07.2019 has sought information regarding FIR No.129 dated 18.07.2019 PS SadarNabha – copy of FIR – Copy of RC of vehicle –Driving license of car driver – action taken and other information concerning the office of SSP Patiala. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 03.09.2019 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Patiala. The respondent present pleaded that as per report of Chief officer, Police Station SadarNabha dated 19.03.2020, the challanalongwith relevant record has been presented in the Court of Judicial Magistrate First Class, Nabha on 13.01.2020, the information cannot be provided.

The PIO-JMIC is impleaded in the case and directed to look at the RTI application and provide the information to the appellant as per the RTI Act. A copy of RTI application is being enclosed with the order.

The case is adjourned. To come up for further hearing on **02.09.2020 at 01.00 PM** through video conference facility available in the office of Deputy Commissioner, Patiala.

Chandigarh
Dated 08.07.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to PIO-O/o Judicial Magistrate(Ist Class),
Nabha.



ShAvtar Singh, S/o ShNachattar Singh,
Village Batha, Police Station,
P.O Amargarh, TeshilMalerkota,
DisttSangrur.

... Appellant

Versus

Public Information Officer,
O/o SSP.
Sangrur.

First Appellate Authority,
O/o IGP, Patiala Range,
Patiala.

...Respondent

Appeal Case No. 417 of 2020

PRESENT: None for the Appellant
Sh.Kuldeep Singh, ASI for the Respondent

ORDER:

The appellant through RTI application dated 17.10.2019 has sought information regarding action taken on the complaint no. 940 dated 27.08.2019 filed by Sh.Gurdip Singh against the appellant and his son in police station Amargarh and other information concerning the office of SSP Sangrur. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 16.12.2019 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Patiala. The respondent informed that Sh.Gurdip Singh s/o Sh.Baljit Singh had filed an anonymous complaint which he withdrew on 10.10.2019. Thereafter, the appellant Sh.Avtar Singh sought information vide RTI application dated 17.10.2019. As per report of chief officer, police station Amargarh, the information has been supplied to the appellant on 11.04.2020 through registered post and a copy of the same sent to the Commission via email.

The appellant is absent nor has communicated any discrepancies. Having gone through the RTI application and the information supplied by the PIO, the Commission finds that the RTI application has been sufficiently replied and no further course of action is required. A copy of the information is being attached with the order for the appellant.

The case is disposed off and closed.

Chandigarh
Dated 08.07.2020

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Azad Kumar, S/o Sh B.N Sharma,
49-B, Partap Nagar, Patiala.

... Appellant

Versus

Public Information Officer,
O/o Deputy Chief Engineer/ HR & Admin,
The Mall, Opp Kali Devi Mandir,
Shakti Sadan, PSTCL, Patiala.

First Appellate Authority,
O/o Chief Engineer/TS. PSTCL,
Patiala.

...Respondent

Appeal Case No. 1070 of 2019

**PRESENT: Sh.Azad Kumar as the Appellant
Sh.H.S.Bindra, SE(Communication), PSTCL-Ludhiana) for the
Respondent**

ORDER:

The case was first heard on 27.06.2019. The respondent present pleaded that the available information has been provided to the appellant. The appellant was not satisfied and stated that the information is incomplete. Having gone through the RTI application and the information provided by the respondent and hearing both the parties, following was concluded:

- Regarding point-1 & 4, the respondent pleaded that the information is not available since the record is not traceable. However, the Commission will not consider the record missing or destroyed until an enquiry is conducted which establishes that the record is missing or destroyed. The respondent to conduct an enquiry and submit complete enquiry report on an affidavit.
- The information on points 2 & 3 stands provided to the best possible extent.
- Regarding points 5 to 8, the appellant to inspect the record on the date fixed i.e. on 16.07.2019 at 11.00 AM. The PIO to allow the inspection and provided the information.
- Regarding point-9, the PIO to provide the information.

The case was again heard on **27.08.2019**. The respondent present pleaded they have done correspondence with the concerned officer but the record is not traceable. However, the available information has been provided to the appellant. The appellant was not satisfied. The Commission also received a letter diary No.15729 on 19.08.2019 of the PIO whereby the PIO had given point-wise reply which was taken on the file of the Commission. The case was adjourned.

The case was again heard on **02.12.2019**. The respondent present pleaded that the available information has been provided to the appellant and no other document is available in their record since the file is not traceable. As per appellant, the information might lie in the file bearing No.CE/TS/ME-137 and in the custody of Superintending Engineer, Personnel, PSTCL Patiala.

The Superintending Engineer, Personnel, PSTCL Patiala was impleaded in the case and directed to make this file available at the next date of hearing in the Commission. If the file is not traceable as suggested in the earlier communication, appropriate reply be given to the Commission as to the reasons for not traceable of this file.

The case was last heard on **04.03.2020**. The respondents present pleaded that the file is not traceable and they are trying to locate the same. Both the respondents sought some more time to trace the file. The plea was accepted and the case was adjourned. The Commission however, made clear that if the file is not traced, the Commission will be constrained to order a full-fledged enquiry to trace the record.

Hearing dated 08.07.2020:

The respondent present pleaded that the file has been traced and the available information has been provided to the appellant. The respondent further pleaded that if the appellant is not satisfied, he can inspect the file and get the relevant information.

The appellant is directed to contact Sh.Manpreet Singh Kang, SDO in the office of PSPCL Patiala on 15.07.,2020 at 11.00 AM and inspect the record and get the relevant information. The PIO is directed to allow inspection of the record and provide relevant information as per RTI Act.

The case is adjourned. To come up for further hearing on **02.09.2020 at 01.00 PM** through video conference facility available in the office of Deputy Commissioner, Patiala.

Chandigarh
Dated 08.07.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to : 1. Superintending Engineer, Personnel,
PSPCL Patiala.

2. Superintending Engineer, Communication,
PSTCL,Ludhiana.



ShShangara Singh, S/o Sh Tulsa Singh,
R/o HO-66-C, Urban Estate,
Phase-3, Patiala.
Appellant

Versus

Public Information Officer,
O/o PDA,
Patiala.

First Appellate Authority,
O/o Chief Administrator,
PDA, Patiala.
...Respondent

Appeal Case No. 3926 of 2019

PRESENT: None for the Appellant
Ms.Monika Gupta, Jr Assistant, O/o PDA Patiala for the Respondent

ORDER:

The case was last heard on 19.02.2020. The respondent present pleaded that the information has been provided to the appellant on 22.07.2019 and again on 29.08.2019 and a copy of the same submitted to the Commission. The appellant was not satisfied with the information regarding point-1. The respondent stated that since no survey was conducted for demolition of the gates, there is not record available.

Having gone through the RTI application, information provided by the PIO and hearing both the parties, the PIO was directed to reconsider point-1. And if there is any information and if any survey was conducted for unauthorized gates, it be provided. If no record is available and no such survey has been conducted, the same be provided on an affidavit.

Hearing dated 08.07.2020:

The respondent present pleaded that the record was traced out and the information (13 pages) regarding unauthorized gate has been sent to the appellant on 02.07.2020. The respondent further informed that they have spoken the appellant on telephone and the appellant stated that he has received the information and will communicate the discrepancy if any. The appellant has not pointed out the discrepancy.

The appellant is directed to communicate the discrepancies in the information if any in writing.

The case is adjourned. To come up for further hearing on **02.09.2020 at 01.00 PM** through video conference facility available in the office of Deputy Commissioner, Patiala.

Chandigarh
Dated 08.07.2020

Sd/-
(Khushwant Singh)
State Information Commissioner