

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
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Helpline No. 0172-2864100



Sh.Rajneesh Bharara,
520, Preet Colony, Zirakpur, Dist. SAS Nagar -140603

.....Appellant

..Vs

Public Information Officer,
O/o Nagar Parishad, Zirakpur
First Appellate Authority
O/o Deputy Director , Local Bodies,
Patiala

.....Respondent

AC No. 3071 of 2021

Present : (i) Sh Rajneesh Bharara, appellant alongwith with Sh. Vivek Kumar
(ii) For the respondent : Sh. Harpreet Singh, Jr Asstt. (9888501598) and
Sh Gulshan Mehta, Advocate (9876468637).

ORDER

This order may be read with reference to the previous orders passed by the Commission.

2. Brief facts of the case are that the above said case was first heard on 13.10.2021. The Appellant was present during the hearing. Further, the respondent present during the hearing had pleaded that the information demanded by the Appellant is very voluminous and that the Appellant may inspect the record in the O/o Respondent. Hence, the case was adjourned to be heard on 24.01.2022.

Hearing dated 24.01.2022

Sh Gyan Parkash was appearing on behalf of the Appellant with authority letter. The Respondent present had again pleaded that the information demanded by the Appellant is very voluminous. Hence, *both the parties present had mutually agreed* that the Appellant can inspect the relevant record in the O/o Respondent on 22.02.2022 at 11:00 AM, identify the documents copies whereof are required by him and the Respondent shall provide copies thereof, according to the RTI Application. The case was further adjourned to be heard on 04.04.2022.

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AC No. 3071 of 2021

Hearing dated 04.04.2022

The Appellant was not present during the hearing but he had filed his submissions via e-mail. The Respondent pleaded that, as directed during the last hearing, the Appellant had not inspected the record in their office. Hence, the appellant was again given a last opportunity to inspect the relevant record in the office of the Respondent with prior appointment. The case was adjourned to be heard on 09.05.2022.

Hearing dated 09.05.2022 i.e. today

Sh Vivek Kumar is appearing today along with Sh Rajneesh Bharara- Appellant without authority letter. Sh Rajeesh Bharara did not plead his case. Sh. Vivek Kumar states that they have not received the orders of the Commission hence, they did not inspect the record in the O/o Respondent. He was apprised about the previous orders of the Commission, but he was not in a mind set to understand things and harshly said that the case should be transferred to some other bench. Sh Rajneesh Bharara- Appellant has also filed an application via e-mail for change of bench to some other bench.

3. The appellant may take note that it is clear in the order dated 07.01.2016 in CC No. 2902 of 2013 passed by State Information Commission, Punjab by three members bench comprising Sh. Chander Parkash, Sh. Parveen Kumar and Sh. Ravinder Singh Nagi in the case of Sukhchain Lal s/o Sh. Kishori Lal vs PIO, O/o The Commission, MC, Sri Amritsar Sahib that the agent or representative (who is not an advocate) of information seeker can seek audience of the Tribunal, only by moving an appropriate application on his behalf and Commission can pass an order granting or refusing the permission to such agent or representative to appear on behalf of the information seeker.

Similar question was decided by the Hon'ble Apex Court in C. Vankatachalam Versus Ajit Kumar C. Shah in Civil Appeal No. 868 of 2003, decided on 29-08-2011. In that matter the Hon'ble Supreme Court has held that before the Consumer Forum, a consumer can appear



AC No. 3071 of 2021

through agent or representative, but his right to appear has to be regulated by framing regulations with regard to qualifications and his conduct and ethical behaviour.

Before the State Information Commission, an information seeker can appear through an agent or representative. But State Information Commission has a right to decline the audience of such an agent or representative, if he fails to maintain decorum before the Commission or his conduct and behaviour is such that he is not fit to appear before the Commission. In such an eventuality, the right to appear and audience of such agent/representative can be curtailed.

4. Further, I have gone through the contents of letter, in which, the reasons for transfer of case are not substantial. To deal with such kind of transfer applications various courts have held:-

"Hon'ble Allahabad High Court in Application No.111257 of 2014 in C.M.W.P. No.5822 of 2014 dated 27.3.2014 "held that the application is thoroughly improper and lacking in substance. Such uncalled for aspersions against the Bench must be deprecated". Rejected."

5. Against the above said order of the Division Bench in S.L.P. one of the respondents moved the Hon'ble Supreme Court of India on 10.3.2014 that the Presiding Judge of D.B. should recuse himself from the case. The Hon'ble Supreme Court declined the request for transfer as well.

6. Hon'ble Supreme Court in Jaswant Singh vs. Virender Singh 1995 Supp (1) SCC 384 has also held that "it is most unbefitting for an advocate to make imputations against the Judge only because he does not get the expected result, which accordingly to him is the fair and reasonable result available to him. Judges cannot be intimidated to seek favourable orders...."



AC No. 3071 of 2021

7. In a subsequent decision in Chetak Construction Ltd. V. Om Prakash and others, (1998) 4 SCC 577, the Supreme Court while advertng to these observations held thus:

"Indeed, no lawyer or litigant can be permitted to browbeat the Court or malign the presiding officer with a view to get a favourable order. Judges shall not be able to perform their duties freely and fairly if such activities were permitted and in the result administration of justice would become a causality and rule of law would receive a setback. The Judges are obliged to decide cases impartially and without any fear or favour. Lawyers and litigants cannot be allowed to "terrorize" or "intimidate" Judges with a view to "secure" orders which they want. This is basic and fundamental, and no civilized system of administration of justice can permit it. We certainly, cannot approve of any attempt on the part of any litigant to go "forum-shopping". A litigant cannot be permitted "choice" of the "forum" and every attempt at "forum-shopping" must be crushed with a heavy hand."

8. Keeping in view, the contents of transfer application, facts of the case and case law on the subject, the transfer application is rejected. The complainant/applicant is directed to desist from making such transfer applications.

9. To come up on **10.06.2022 at 12.00PM** for further proceedings in the Commission. Copy of the order be sent to the parties.

Sd/-

Dated: 09.05.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh Balwinder Singh, (M-9888947946)
House No. 42/2, Sector 41 A, Chandigarh

.....Appellant

..Vs

Public Information Officer,
O/o Chief Director, Vigilance Bureau,
Sector-68, Mohali

First Appellate Authority
O/o Chief Secretary, Vigilance Deptt, Pb
Sector-68, Vigilance Bhawan, Mohali

.....Respondent

AC No.266 of 2022

Present : (i) Sh. Balwinder Singh the appellant
(ii) For the respondent : Smt. Amandeep Kaur, Inspector-cum-PIO (8054940526)

ORDER

The RTI application is dated 14.10.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 03.01.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 09.05.2022 i.e. today.

3. The appellant states that he has received the information pertaining to point no. 1 only. He further states that he has personally brought deficiencies today in the Commission.

4. Copy of the deficiencies is handed over to the respondent with these directions, that whatever deficiencies remain in the matter of information demanded by the Applicant should be made good before the next date of hearing.

5. To come up on **10.06.2022 at 12.00 PM** for further proceedings in the Commission. Copy of the order be sent to the parties.

Dated : 09.05.2022

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Surinder Singh Chauhan, (M-70145-495506)
S/o Sh Mangal Singh Chauhan,
Rawat Building, Baggar Chowk,
Jodhpur, Rajasthan-342001

.....Appellant

..Vs

Public Information Officer,
O/o Registrar of Firms & Societies, Pb
Bays Building, Sector-17D, Chandigarh
First Appellate Authority
O/o Registrar of Firms & Societies, Pb
Bays Building, Sector-17D, Chandigarh

.....Respondent

AC No.264 of 2022

Present : None for the parties.

ORDER

The RTI application is dated 08.09.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 31.12.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 09.05.2022 i.e. today.

3. Today neither the appellant nor the respondent is present. The respondent has sent his reply that the information demanded by the appellant has been sent to him.

4. This is the first date of hearing, hence one opportunity is given to both the parties to appear before the Commission and state their case. It is made clear that in case both the parties do not appear on the next date of hearing, appropriate order in their absence shall be passed.

5. To come up on **17.06.2022 at 12.00 PM** for further proceedings in the Commission.
Copy of the order be sent to the parties.

Dated : 09.05.2022

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh Ajay Nand/Ajay Kumar Mehta, (M-98146-46309)
#C-118, East Mohan Nagar,
Chamrang Road, Amritsar

.....Appellant

..Vs

Public Information Officer,
O/o SSP, Vigilance Bureau, Amritsar

First Appellate Authority
O/o Director, Vigilance Bureau, Pb
Sector-68, Vigilance Bhawan, Mohali

.....Respondent

AC No.180 of 2022

Present : (i) None is present on behalf of the appellant
(ii) For the respondent : Smt. Amandeep Kaur, Inspector(FAA) (8054940526) Sh. Gurupkar Singh, Dealing Hand , O/o SSP, Vigilance, Amritsar (9855204038)

ORDER

The RTI application is dated 12.08.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 30.12.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 09.05.2022 i.e. today.
3. The appellant is absent today. He has sent an email vide which he has sought adjournment.
4. The respondent states that the information demanded by the appellant is very voluminous and not specific.
5. On the request of the appellant the appeal case is adjourned to **20.07.2022 at 12.00 PM** for further proceedings in the Commission. Copy of the order be sent to the parties.

Dated : 09.05.2022

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh Ajay Kumar, (M-7973081420)
S/o late Sh Jagdish Sharma,
Street No 42, Preet Nagar,
Shimlapuri, Ludhiana

.....Appellant

..Vs

Public Information Officer,
O/o DGP, PB,
Sector -9, Chandigarh

First Appellate Authority
O/o DGP, PB,
Sector -9, Chandigarh

Public Information Officer
o/o Commissioner of Police
Ludhiana

.....Respondent

AC No. 381 of 2022

Present : (i) None is present on behalf of the appellant
(ii) For the respondent : Sh. Maninder Singh, C.I.

ORDER

1. The RTI application is dated 14.10.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 11.01.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 09.05.2022 i.e. today.
3. The Appellant has sent his authority letter by e-mail authorizing Sh Sushil Kumar to appear on her behalf. Further, the Appellant has also sent his submissions through the e-mail. Copy of the same is taken on record.
4. The respondent states that the RTI of the appellant has already been transferred to the PIO, o/o Commissioner of Police, Ludhiana.
5. Since, the information is to be provided by the PIO, o/o Commissioner of Police, Ludhiana. I, therefore, order that PIO, o/o Commissioner of Police, Ludhiana be impleaded as Respondent No.2. I further direct that PIO, o/o Commissioner of Police, Ludhiana should supply the information to the Complainant before the next date of hearing

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AC No. 381 of 2022

6. To come up on **15.06.2022 at 12.00 PM** for further proceedings in the Commission.
Copy of the order be sent to the parties.

Dated : 09.05.2022

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh.Ravinder Pal Singh Chadha,
30, Banda Bahadur Nagar,
Jalandhar (9814228629)

.....Appellant

..Vs

Public Information Officer,
O/o MC, Jalandhar

First Appellate Authority
o/o Commissioner, MC, Jalandhar

.....Respondent

AC No. 3979 of 2021

Present : None for the parties.

ORDER

This order may be read with reference to the previous orders passed by the Commission.

2. Today neither the appellant nor the respondent is present. The appellant and the respondent have sent their submissions via mail, which are taken on record.

3. Since, both the parties are not present, hence one last opportunity is given to them to appear before the Commission. It is made clear that in case both the parties do not appear on the next date of hearing, appropriate order in their absence shall be passed

4. To come up on **13.07.2022 at 12.00 PM** for further proceedings in the Commission.
Copy of the order be sent to the parties.

Dated : 09.05.2022

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh. Baldev Singh Kang,
R/o House No. 39, Sector 5, Chandigarh (9988246123)

.....Appellant

..Vs

Public Information Officer,
O/o Naib Tehsildar, Majri
Distt. Mohali
First Appellate Authority
O/o SDM, Kharar, Distt. Kharar

.....Respondent

AC No. 5350 of 2021

Present : None for the parties.

ORDER

This order may be read with reference to the previous order dated 04.04.2022, vide which the respondent was absent.

2. Today neither the appellant nor the respondent is present. During the last hearing dated 04.04.2022, the respondent was also not present. This shows that the respondent-PIO has no regard for the orders issued by the Commission. This is indeed a serious matter.

3. In view of the above, ***PIO- o/o Naib Tehsildar, Mohali is directed*** to show cause in writing or through affidavit under Section 20(1) of the RTI Act, as to why penalty be not imposed upon him for willful delay/ denial of the information to the RTI applicant and why the compensation be not awarded to the complainant under Section 19 (8)(b) of the Act for detriment suffered.

In addition to his submission, the PIO is also hereby given an opportunity under Section 20(1) proviso, thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may note that in case he does not file his submission and does not avail himself of the opportunity of personal hearing on the next date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex-parte.

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AC No. 5350 of 2021

4. To come up on **17.06.2022 at 12.00 PM** for further proceedings in the Commission.
Copy of the order be sent to the parties.

Dated : 09.05.2022

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab