



Sh Ram Murti,
Sandhu Colony, Jalandhar Road,
Mehta Chowk, Amritsar.

... Appellant

Versus

Public Information Officer,
O/o Chief Engineer,
Operation, PSPCL, Border Zone,
Amritsar.

...Respondent

Complaint Case No. 438 of 2019

PRESENT: None for the Complainant
Sh.Jatinder Singh, Dy.Chief Engineer, PSPCL Tarn Taran for
the Respondent

ORDER:

The case was first heard on 09.09.2019. The respondent present pleaded that the information has been provided to the complainant. The complainant was not satisfied and informed that the PIO has not provided the action taken report on his complaint.

Hearing both the parties, the PIO was directed to relook at the RTI application and provide status of the complaint filed by the complainant.

The case was again heard on **04.12.2019**. The respondent pleaded that the information has already been provided to the appellant in the last hearing. The appellant was absent. At that hearing, the appellant had expressed dissatisfaction.

The PIO was directed to provide whatever action has been taken on the complaint of the appellant filed on 07.12.2018 against Addl.SE-PSPCL Rayya Division and send a compliance report to the Commission.

On the date of hearing on **02.03.2020**, the respondent present sought some more time to provide the information. The complainant was absent.

The case was last heard on **02.07.2020** through video conferencing at DAC Amritsar. Both the parties were absent. The PIO was given one more opportunity to provide the information and send a compliance report to the Commission otherwise the Commission will be constrained to issue show cause under section 20 of the RTI Act against the PIO.

On the date of the last hearing on **15.09.2020**, the respondent present pleaded that no action has been taken on the complaint of the complainant and the reply has been sent to the complainant on 24.08.2020. The complainant was absent and vide email sought exemption.

The Commission observed that there has been an enormous delay in attending to the RTI application. The PIO was issued a **show cause notice under Section 20 of the RTI Act and directed to file reply on an affidavit.**

Complaint Case No. 438 of 2019

Hearing dated 09.11.2020:

The case has come up for hearing today through video conferencing at DAC Amritsar. The respondent present pleaded that the information has been provided to the appellant vide letter dated 06.09.2019 and again on 24.08.2020 with a copy to the Commission. The appellant is absent and vide letter has informed that he has not received the letter dated 24.08.2020.

As per copy of letter dated 24.08.2020, received in the Commission on 14.10.2020, it has been mentioned in the reply sent by the PIO to the appellant that since the case suit No.58/2005 was dismissed on 26.11.2010 and there was no order for taking action against any employees of the powercom, no action was taken against additional Executive Engineer (Operation) Rayya.

The PIO has, however, not sent an appropriate reply on the RTI application.

The PIO is directed to file a suitable reply about the handling of the RTI application of complainant dated 18.02.2019 and submit a reply to the show cause notice.

The case is adjourned. To come up for further hearing on **14.12.2020 at 11.00 AM through a video conference** facility available in the office of Deputy Commissioner, Amritsar.

Chandigarh
Dated 09.11.2020

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Tejinder Singh,
H N0-130-B, Street NO-8-B,
Sarabha Nagar, Bhadson Road,
Patiala.

... Appellant

Versus

Public Information Officer,
O/o XEN,
Water Supply & Sanitation, Deptt,
Division-2, Mohali.

First Appellate Authority,
O/o SE,
Water Supply & Sanitation,
Pb, Chandigarh.

...Respondent

Appeal Case No. 2196 of 2020

PRESENT: None for the Appellant
Sh.Sunil Kumar, Xen for the Respondent

ORDER:

The appellant through RTI application dated 28.01.2020 has sought information regarding tender issued from 01.1.2019 to 25.01.2020 – copy of tender register and approved quotations – copy of cash books and vouchers and other information concerning the office of Xen Water Supply & Sanitation Division No.2, SAS Nagar, Mohali. The appellant was asked by the PIO vide letter dated 11.02.2020 & 17.02.202 to deposit requisite fee of Rs.34670/- which the appellant did not deposit and the information not provided after which the appellant filed first appeal with the first appellate authority on dated nil which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Patiala. The respondent is present at Chandigarh. The respondent pleaded that since the information is voluminous (weight around 50-60 KG), the appellant was asked vide letter dated 07.07.2020, 17.07.2020, email dated 24.07.202, 04.08.2020, 17.08.2020, 8.09.2020 & 09.10.2020 to collect the information from their office but the appellant has not turned up.

The appellant is absent and telephonically has sought adjournment. Since the information is voluminous and weighs a sizable amount, the appellant is directed to collect the information from the office of the PIO by fixing a mutually convenient date and time.

However, if the appellant does not collect the information till the next date of hearing, the PIO is directed to bring the record to the Commission at the next date of hearing and the appellant can collect the information on that date. This will be the final opportunity that will be provided to the appellant to collect it from the commission.

The case is adjourned. To come up for further hearing on **23.11.2020 at 11.00 AM.**

Sd/-

Chandigarh
Dated 09.11.2020

(Khushwant Singh)
State Information Commissioner



Sh.Gurinder Singh Sodhi,
R/o-47, Bank Colony,
Patiala

... Appellant

Versus

Public Information Officer,
O/o Principal Secretary,
Local Govt Deptt,
Sector-35, Chandigarh.

First Appellate Authority,
O/o Additional Director,
Local Govt, Sector-35,
Chandigarh

...Respondent

Appeal Case No. 2101 of 2020

PRESENT: Sh.Gurinder Singh Sodhi as the Appellant
None for the Respondent

ORDER:

The appellant through RTI application dated 23.03.2018 has sought information regarding CPW No.19788 of 2015 Gora Lal Jindal v/s State of Punjab – document filed before the High Court and other information concerning the office of Principal Secretary, Local Govt. Department, Punjab Chandigarh. The appellant was not provided the information after which the appellant filed first appeal with the first appellate authority on 28.07.2018 which took no decision on the appeal.

The case has come up for hearing today through vide conferencing at DAC Patiala. The appellant claims that the PIO has not provided the information.

The respondent is absent. Having gone through the file, the Commission observes that the PIO has written a letter on 26.02.2020 to Sh.Gora Lal for seeking his consent under section 11 (Third Party Information) of the RTI Act whereas as per copy of letter received by the Commission from the PIO on 06.11.2020, the PIO has denied the information under section 8(h) of the RTI Act.

It appears that the department is confused and unwilling to part with the information, and is applying different sections in different communications in its attempt to deny the information. Since in the communication to the Commission the PIO has applied Section 8 (h) for denial of information, the PIO is directed to explain why he has applied this particular section. Merely stating the section without citing any plausible reason is not an acceptable way to deny information.

The case is adjourned. To come up for further hearing on **01.12.2020 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Patiala. The PIO to appear at Chandigarh.

Chandigarh
Dated 09.11.2020

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Tarsem Singh, S/o ShNishan Singh,
Roj Avenue, Chamiari Road,
Ajnala, Amritsar

... Appellant

Versus

Public Information Officer,
O/o Addl, SE (Operational),
PSPCL, Division Ajnala,
Distt Amritsar.

First Appellate Authority,
O/o Chief Engineer, Border Zone,
Amritsar.

... Respondent

Appeal Case No. 3057 of 2019

PRESENT: Sh. Harjit Singh son of Sh.Tarsem Singh for the Appellant
None for the Respondent

ORDER:

Facts of the case-

That the appellant through RTI application dated 30.04.2019 sought information regarding copy of application form/request dated 25.08.2015 for electric connection No.A11SA441492M alongwith copy of bills issued and other information from the office of Addl. SE (Operational), PSPCL Division Ajnala. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 20.05.2019 which took no decision on the appeal. After filing first appeal, the PIO sent reply to the appellant vide letter dated 27.06.2019. On being not satisfied with the information, the appellant filed 2nd appeal in the Commission on 21.08.2019.

That the case first came up for hearing on 30.12.2019. The representative appeared on behalf of the appellant informed that the PIO has not provided the complete information. The respondent was absent. The PIO was directed to relook at the RTI application and provide the complete information to the appellant within 10 days.

That on the next date of hearing which was held on **17.03.2020**, the appellant claimed that the PIO has not provided the information. The respondent was absent on 2nd consecutive hearing. The PIO-Addl. SE(Operational), PSPCL Division Ajnala was issued a **show cause notice under Section 20 of the RTI Act 2005 and directed to file reply on an affidavit**. The PIO was again directed to provide the complete information within 10 days of the receipt of this order.

On the date of hearing again on 04.08.2020, the appellant claimed that the PIO has not provided the information.

The PIO-Additional SE (Operational) PSPCL, Division Ajnala was absent on 3rd consecutive hearing nor had filed reply to the show cause notice. To secure an erring PIO's presence before the commission the Information Commission, a bailable Warrant under section 18(3) of the RTI Act of the PIO-Additional SE (Operational) PSPCL, Division Ajnala was issued through Senior Superintendent of Police, Amritsar for his presence before the Commission on **15.09.2020**.

On the date of hearing on **15.09.2020**, the respondent was present at Chandigarh and informed that the information has been provided to the appellant vide letter dated 03.09.2020 with a copy to the Commission. The Commission had received the copy of the information on 09.09.2020 which had been taken on the file of the Commission.

The appellant was not satisfied. Having gone through the information that had been provided and hearing both the parties, the following was concluded:

- Point-1 - Information provided
- Point-2 - Information provided. Appellant not satisfied. The PIO to give in writing on an affidavit that the meter number was wrongly entered but the same has been corrected.
- Point-3 - PIO to give reply on an affidavit
- Point-4 - PIO to give reply on an affidavit

The PIO submitted reply to the show cause notice which was taken on the file of the Commission. The decision on show cause to be taken on the next date of hearing.

A copy of the order was sent to the Superintending Engineer, PSPCL Sub-urban, Circle Amritsar with the direction to enquire into the matter of mismatch of meter serial number and submit detailed enquiry report to the Commission.

Hearing dated 09.11.2020:

The case has come up for hearing today through video conferencing at DAC Amritsar. As per appellant, the PIO has not provided the information. The PIO is absent nor has compiled the order of the Commission.

It is also observed that the respondent Sh.Gurmeet Singh was present in another appeal case No.909 of 2019 but has chosen not to appear in this particular case. Looking at the history of the case as well as non-compliance of last order and the attitude of the respondent while disseminating information, it is clear that the respondent has willfully denied the information.

The Commission observes that the appellant to collect the information has had to suffer undue inconvenience, thus I find it to be a fit case for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act.

The PIO-Addl.SE(Operational) PSPCL Division Ajnala is directed to pay an amount of **Rs.3000/-** via demand draft drawn through Govt. Treasury as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting information in time. The PIO is directed to duly inform the Commission of the compliance of the order and submit proof of having compensated the appellant. The PIO is again directed to comply with the earlier order of the Commission.

The decision on the show cause notice will be taken at the next date of hearing.

To come up for further hearing on **14.12.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Amritsar.

Chandigarh
Dated 09.11.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: Superintending Engineer, PSPCL Sub-urban, Circle Amritsar