

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864111, Visit us @ www.infocommpunjab.com,
Email: psic21@punjabmail.gov.in



Naresh Kumar Gupta,
S/o Sh. Nihal Chand Gupta,
Chowk No. 1, Jaitu,
Faridkot.

Versus

Public Information officer,
o/o Senior Superintendent of Police,
Faridkot.

Public Information officer,
o/o District Attorney,
District Court, Faridkot.

First Appellate Authority,
o/o Directorate of Prosecution & Litigation Punjab,
Sector-7-C, Chandigarh.

Appeal Case No. 2058 of 2021 (Video Conference Proceedings)

PRESENT:

Naresh Kumar Gupta (Appellant) 98727-61372
Satnam Singh Gill, APIO-cum-Assistant District Attorney (for the Respondent) 94176-17771
ASI, Ramesh Kumar (for the Respondent) 79860-03500

ORDER:

(To be read in continuity with earlier orders on 10.11.2021, 3.3.2022, and 8.6.2022)

1. The RTI application is dated **25.1.2021** vide which the appellant has sought information **regarding the enquiry report on application No. 1908/PC-9/2019**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **3.4.2021** and Second Appeal was filed in the Commission on **28.4.2021** under Section 19 of the Right to Information Act, 2005. The case was last heard on **8.6.2022**.

2. Both parties are present. Due to disconnection of Video Conference link, the hearing could not be held. This Appeal Case is adjourned to its next hearing.

3. **Next hearing on 21.9.2022 at 11.30 am via Video Conference Facility at DC Office, Faridkot.**

Sd/-
(ASIT JOLLY)
State Information Commissioner, Punjab.

Chandigarh
11.8.2022

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REGISTERED

Darshan Kumar Sharma,
S/o Sh. Prithvi Raj Sharma, #25, Pink Park
Purai Chungi, Barewal Road,
Ludhiana.

Versus

Public Information Officer,
o/o XEN, (Divisional Engineer) Division No. 2,
Punjab Water Resource,
Mansa

Public Information Officer,
o/o Superintendent Engineer,
Construction Circle No. 1, Punjab Water
Resource Department, Ltd.,
Faridkot.

First Appellate Authority,
Superintendent Engineer,
Construction Circle No. 1,
Punjab Water Resource Department Ltd.,
Faridkot.

Appeal Case No. 2509 of 2022 (Video Conference Proceedings)

PRESENT:

Darshan Kumar (Appellant)
Bhupinder Singh, SDO (for the Respondent) 94650-6007
Harkaran Singh, Superintendent (for the Respondent) 97800-90390

ORDER:

1. The RTI application dated **15.7.2021** vide which the appellant has sought information **regarding Government vehicle CH-01-1515**, as enumerated in his RTI applications. First Appeals were filed with the First Appellate Authority (FAA) on **Nil** and Second Appeal was filed in the Commission on **12.5.2022** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **11.8.2022**.

2. Both parties are present. The appellant is present in person. This RTI application as per the respondent PIO was transferred from the office of Superintendent Engineer, Construction Circle No. 1, Punjab Water Resource Department, Ltd., Faridkot, to the PIO-cum-XEN (Divisional Engineer) Division No. 2, Punjab Water Resource, Mansa, who is the actual custodian of the requested information.

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Appeal Case No. 2509 of 2022 (Video Conference Proceedings)

3. The Commission notes with distress that there has been no attempt to furnish a reply or supply the information requested in this RTI application, which was submitted on 15.7.2021, which is more than one year ago. The respondent PIO-cum-XEN, (Divisional Engineer) Division No. 2, Punjab Water Resource, Mansa, is herewith given a final opportunity to submit a written pointwise reply to the RTI application along with duly attested copies of the requested information. All copies must be attested in the format given below:

Information supplied under the RTI Act, 2005

Signature of the PIO

Name of the PIO

Name of the Public Authority

Date

4. This RTI application is pending for more than one year and the Commission deems it fit to award the appellant Sh. Darshan Kumar Sharma, a compensation of Rs. 5,000/- which is to be paid from the funds of Public Authority in this case.

5. In view of the harassment and detriment caused to the appellant, **Sh. Darshan Kumar Sharma**, this Commission deems it appropriate to award a **compensation of Rupees Five thousand (Rs. 5,000.00)**. This is to be paid vide a crossed cheque / demand draft, by the Public Authority, in this instance, the **Punjab Water, Resource Department, Ltd., Mansa**, within 15 days of receiving this order. Proof of payment is to be submitted to this Commission. This must be done within 15 days of receipt of this Order.

6. **Next hearing on 7.10.2022 at 11.30 am via Video Conference Facility at DC Office, Mansa.**

Sd/-
(ASIT JOLLY)
State Information Commissioner, Punjab.

Chandigarh
11.8.2022

Cc: Superintendent Engineer,
Construction Circle No. 1, Punjab Water,
Resource Department, Ltd.,
Faridkot, for information and necessary action.

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REGISTERED SHOW CAUSE NOTICE

Pardeep Kumar Mahajan,
#494, Basant Nagar,
Majitha Road, Near Gopal Mandir,
Amritsar.

Versus

Public Information Officer,
o/o Additional Commissioner,
Municipal Corporation, Amritsar.
First Appellate Authority,
o/o Commissioner, Municipal Corporation,
Amritsar.

Appeal Case No. 2234 of 2022 (Video Conference Proceedings)

PRESENT:

(Appellant) Absent

(Respondent) Absent

ORDER:

1. The RTI application dated **3.6.2018** vide which the appellant has sought information **regarding illegal construction and encroachment in Basant Nagar**, as enumerated in his RTI applications. First Appeals were filed with the First Appellate Authority (FAA) on **1.8.2018** and Second Appeal was filed in the Commission on **6.5.2022** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **11.8.2022**.

2. Both parties are absent. While the appellant has informed the Commission of his inability to attend this hearing via email Dated 3.8.2022, the respondent PIO is absent without intimation. The Commission deems it fit to issue the respondent PIO with this Show Cause Notice.

3. The respondent **PIO o/o Additional Commissioner, Municipal Commissioner, Amritsar,** is herewith ordered to **SHOW CAUSE** as to why a penalty should not be imposed upon him under Section 20 (1) of RTI Act, 2005, for causing willful delay/denial of the information requested by the appellant as far back as on **3.6.2018**.

“In addition to the written reply, the respondent PIO is also given an opportunity under Section 20 (1) provision there to, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the 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*.” Copies of this order be sent to the parties through registered post.

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Appeal Case No. 2234 of 2022 (Video Conference Proceedings)

4. IMPORTANT! All documents / information supplied to appellants / complainants must mandatorily be attested as under:

Information supplied under the RTI Act, 2005

Signature of the PIO

Name of the PIO

Name of the Public Authority

Date

6. **Next hearing on 7.10.2022 at 11.30 am via Video Conference Facility at DC Office, Amritsar.**

Sd/-
(ASIT JOLLY)
State Information Commissioner, Punjab.

Chandigarh
11.8.2022

Cc: Commissioner,
Municipal Commissioner,
Amritsar, for information and necessary action.

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Kamal Deep Kaur,
W/o Ajay Pal Singh,
VPO Gumtala, Opposite Government Dispensary,
Amritsar.

Versus

Public Information Officer,
o/o Joint Commissioner,
Municipal Corporation, Amritsar.
Public Information Officer,
o/o Commissioner,
Municipal Corporation, Amritsar.
First Appellate Authority,
Commissioner,
Municipal Corporation, Amritsar.

Appeal Case No. 2059 of 2021 (Video Conference Proceedings)

PRESENT:

(Appellant) Absent
(Respondent) Absent

ORDER:

(To be read in continuity with earlier orders on 27.8.2021, 10.11.2021, 9.2.2022, and 26.5.2022)

1. The RTI application is dated **27.01.2021** vide which the appellant has sought information **regarding the Municipal Commissioner's Order dated 14.08.20 etc.,** as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **27.02.2021** and Second Appeal was filed in the Commission on **28.04.2021** under Section 19 of the Right to Information Act, 2005. The case was last heard on **26.5.2022**.

2. Both parties are absent. At the last hearing on 26.5.2022, the Commission has Ordered as under:-

"2. Both parties are present. At the last hearing on 9.2.2022, the respondent PIO was directed to submit an affidavit restating contents of his reply vide Letter No. 41 Dated 5.2.2021. He was also directed to specifically state whether the Municipal Commissioner's Order Dated 14.8.2020 as cited in the RTI application, is in fact a valid Order or not.

3. The respondent PIO has submitted a copy of an affidavit Dated 16.3.2022, notarized by Sh. **Satish Kumar Anand**, Notary Public, Amritsar. Notably the affidavit is not in compliance with this Commission's directions at para no. 3 of the Order Dated 9.2.2022, in as much as it makes absolutely no mention about the Municipal Commissioner's Order Dated 14.8.2020.

4. Furthermore, in a written submission received vide Diary No. 11032 Dated 24.5.2022, the appellant alleges that the affidavit submitted by the respondent PIO is fake/forged. In support of her claim the appellant has pointed out several discrepancies included as under:

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Appeal Case No. 2059 of 2021 (Video Conference Proceedings)

1. ਕਿਉਂਕਿ ਹਲਫ਼ੀਆ ਬਿਆਨ ਤੇ 30 ਰੁਪਏ ਦਾ ਫੀਸ ਕੋਰਟ (stamp) ਲਗਾਇਆ ਗਿਆ।
2. ਕਿਉਂਕਿ ਇਸ ਹਲਫ਼ੀਆ ਬਿਆਨ ਤੇ ਕੋਈ ਗਵਾਹੀ ਨਹੀਂ।
3. ਇਸ ਹਲਫ਼ੀਆ ਬਿਆਨ ਤੇ ਨੋਟਰੀ ਪਬਲਿਕ ਵਲੋਂ ਰਜਿਸਟਰ ਵਿੱਚ ਦਰਜ ਨੰਬਰ ਨਹੀਂ ਦਿੱਤਾ ਗਿਆ ਸੀ।

5. *The appellant has also submitted a reply from the aforesaid Notary Public, Sh. Satish Kumar Anand, clearly stating that the affidavit submitted by the respondent PIO was not notarized by him. A copy of the letter has been taken on record.*

6. *A copy of the affidavit submitted by the respondent PIO be conveyed to the **Deputy Commissioner Amritsar** along with a copy of this Order and a written request that said affidavit be examined for its veracity."*

3. Copy of the aforesaid Order and the affidavit submitted by the PIO be conveyed to the Deputy Registrar, PSIC, with a direction to write a letter to the Deputy Commissioner, Amritsar, **Sh. Harpreet Singh IAS**, requesting him to submit a report on the veracity/authenticity of the affidavit submitted by PS Randhawa, Municipal Town Planner, Municipal Corporation, Amritsar.

4. **Next hearing on 7.10.2022 at 11.30 am via Video Conference Facility at DC Office, Amritsar.**

Sd/-
(ASIT JOLLY)
State Information Commissioner, Punjab.

Chandigarh
11.8.2022

Cc: Deputy Registrar, Punjab State Information Commission, Chandigarh, for compliance (attached copy of Order Dated 26.5.2022, Affidavit submitted by respondent, and copy of complaint of the appellant.)