

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: psic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



Sh. Harpal Singh Sirohi, S/o Sh. Pritam Singh, Advocate, **Registered**
House No 239, Sector 21 A,
Chandigarh.M : 9417317700

....Appellant

Vs

Sh Gurjinder Bainipal,
Distt Revenue Officer-cum-Public Information Officer ,
O/o Deputy Commissioner,
Ludhiana.

Sh. Rahul Chabba, IAS
First Appellate Authority –cum-
Addl. Deputy Commissioner (Gen.)
Mini Secretariat, Ludhiana.

Public Information Officer
o/o Joint Sub Registrar,
Sahnewal, District Ludhiana

...Respondents

Appeal Case No. 990/2021

ORDER

This order may be read with reference to the previous order dated 5.1.2022 vide which the order in this case was reserved to be pronounced.

2. The appellant has sought the following information as per his RTI application dated 13.2.2020:-

Sale deed vasika no. 13497 dt-13.11.2006 of v. Mangli Neechi was executed and impounded by Sub Registrar Ludhiana (East) in the CWP No. 9704 of 2010, The Punjab and Haryana High Court, Chandigarh vide its order dated 01.09.2015, quashed the order of Smt. Kamal Preet Kaur Brar as well as of Commissioner of Punjab, Patiala and reduced the rate of deficiency of stamps and ordered to deposit half the amount to the tune of Rs. 37350/- which were deposited on 26.03.2012 in the Treasury Punjab. In compliance of order of Punjab and Haryana High Court, The Sub Registrar, Sahnewal under whom the jurisdiction of V. Mangli Neechi falls at present, assessed the balance deficiency of stamps to the tune of Rs. 39935/- which were deposited on 25.10.2016 in Treasury Punjab. Copy of sale deed is not released to me so far in spite of so many representations and legal notice. Last representation was given to your office vide receipt no 24652 dated 13.6.2018, 2903 dated 18.6.2018, and then vide registered letter Dated 02.07.2019, Same date application was also given to Financial Commissioner Punjab, who vide End. No 24/29/19-S.T.2/ 6868 Chandigarh dated: 25/7/2019, send the application dated 2.7.2020 to your office and asked you to send the action report. Your office vide letter no 2247. HRC dated 31.7.2019 asked me to send the copies of Challans and copies of order of Deputy Commissioner Ludhiana and order of high court, in response there to I vide registered letter dated 14.08.2019, send all required documents. But no action has been taken

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3. The appellant filed the first appeal before the First Appellate Authority on 5.10.2020 and filed the 2nd appeal before the Commission on 17.2.2021 accordingly the notice of hearing was issued to the parties for 26.4.2021 but due to administrative reasons the case was fixed for hearing on 31.5.2021.

4. During the hearing on 31.5.2021, the following order was passed on 31.5.2021:-

“2. A reference has been received from the Deputy Commissioner, District Ludhiana vide which the Joint Sub Registrar, Sahnewal is directed to supply the information, which is taken on record. Also a reference has been received from the Public Information Officer-cum-Joint Sub Registrar, Sahnewal, District Ludhiana, which is taken on record. Since, the officials of the respondent department are on strike, therefore, the case is adjourned. A copy of the reference received from the Public Information Officer-cum-Joint Sub Registrar, Sahnewal is being **sent** along with this order to the appellant with an advice to go through the same and file the rejoinder, if any, before the next date of hearing.”
and the case was adjourned for 12.7.2021.

5. During the hearing on 12.7.2021, the following order was passed :-

“2. The appellant has sent the rejoinder through email, which is taken on record. The appellant also states that he has deposited the deficiency of stamps duty as has been conveyed by the Sub Registrar Sahnewal through challan on 25.10.2016 and since then he is filing the complaints to the Deputy Commissioner, Financial Commissioner as well as to the Sub Registrar Sahnewal (where the sale deed was registered) to release the sale deed and to sanction the mutation. Furthermore the appellant states that the copy of sale deed has been supplied to the appellant on 17.4.2021 after filing the RTI application but till date he has not been supplied the action taken on the complaints filed by him and the action taken by the Kanugo/Patwari halqa to sanction mutation on the basis of sale deed. He also requested that a stern action be taken against the respondent-Public Information Officer.

3. Since nobody is present on behalf of the respondents due to strike by the officials of the respondent authority, therefore, the case is adjourned. A copy of the rejoinder filed by the appellant is being **sent** along with this order to the Public Information Officer o/o Joint Sub Registrar, Sahnewal, District Ludhiana with the directions to file the reply/supply the information viz a viz rejoinder filed by the appellant failing which the penalty provisions will be invoked on the next date of hearing.

4. Also the appellant is directed to place on record the copies of representations sent to the Deputy Commissioner/Financial Commissioner for consideration.”
And the case is adjourned for 10.8.2021.

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6. During the hearing on 10.8.2021, the following order was passed:-

“The case has come up today. The appellant is absent. Sh. Ranjit Singh, Naib Kanugo is present on behalf of the respondent. The respondent is directed to inform the appellant about the status of the mutation and action taken on the legal notice dated 30.7.2019 before the next date of hearing and the case was adjourned for 9.9.2021”

7. During the hearing on 9.9.2021, the following order was passed:-

“2. The appellant state that he has filed the complaints to the Deputy Commissioner, Financial Commissioner as well as to the Sub Registrar Sahnewal (where the sale deed was registered) to release the sale deed and to sanction the mutation. Furthermore the appellant states that the copy of sale deed has already been supplied to the appellant on 17.4.2021 after filing the RTI application but till date he has not been supplied the action taken on the complaints filed by him. He also states that one copy of the legal notice was sent by the Deputy Commissioner, Ludhiana to the Joint Sub Registrar Sahnewal but no action was taken by the Kanugo/Patwari halqa to sanction mutation on the basis of sale deed. He also requested that a stern action be taken against the respondent-Public Information Officer.

3. The representative of the respondents on behalf of the Public Information Officer o/o Deputy Commissioner, Ludhiana and the representative of the respondents on behalf of the Joint Sub Registrar Sahnewal, Ludhiana did not given any satisfactory reply.

4. The perusal of the file shows that in this case, application for information was filed by the appellant on 13.02.2020 but after lapse of more than one and a half year, incomplete information has been given to the appellant so far. It is, thus apparent from the response of the respondent-Public Information Officer that there has been delay in providing the information. Appellant had also suffered financial loss in getting the information. There are systemic deficiencies in the manner of receiving and disposing of applications. The department still does not appear to be properly tuned to the performance of its obligations enshrined under the RTI Act.

5. I am, therefore, of the view that ends of justice would be met by awarding a sum of Rs. 10000/- (Rupees Ten Thousand only) by way of compensation to the Appellant. This amount shall be payable from the State Exchequer and has to be paid by the Public Information Officer o/o Deputy Commissioner, Ludhiana before the next date of hearing as the RTI application was addressed to him and the action has to be taken by the Deputy Commissioner office on the legal notices as well as on the reference sent by the Financial Commissioner, Revenue, Punjab which is being sought by him.

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6. Also the respondent-Public Information Officer o/o Deputy Commissioner, Ludhiana is directed to file the reply/supply the specific information as has been sought by the appellant before the next date of hearing. Also the Public Information Officer o/o the Joint Sub Registrar, Sahnewal is directed to file the reply/supply the information on the legal notice sent to him by the office of the Deputy Commissioner, Ludhiana before the next date of hearing failing which the punitive action will be initiated on the next date of hearing. “

And the case was adjourned for 5.10.2021 and on the said date due to non compliance of the order dated 9.9.2021, the show cause notice was issued to the respondent-Public Information Officer o/o the Deputy Commissioner, Ludhiana for imposition of penalty and the directions were issued to him to comply with the order dated 9.9.2021. The case was further adjourned for 2.11.2021 and again for 22.11.2021.

8. During the hearing on 22.11.2021 due to non compliance of the order and non payment of the compensation amount as was awarded and after consideration the compensation amount was increased from Rs.15000/- (Rupees fifteen thousands only) to Rs.25,000/- (Rupees twenty five thousands only). The case was adjourned for 15.12.2021 and again for 5.1.2022.

9. On the said date i.e. 5.1.2022, the representative of the respondents handed over the bank draft amounting to Rs.25000/- (Rupees Twenty five thousands only) by way of demand draft bearing No. 020240 dated 29.12.2021 and a photo copy of the same has already been taken on record. Also the Public Information Officer o/o the Deputy Commissioner, Ludhiana filed the specific written reply regarding the sought information, which was also taken on record. After hearing both the parties, the order in this case was 'RESERVED' to be pronounced.

10. The reply filed by the respondent-Public Information Officer o/o the Deputy

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Commissioner, Ludhiana is reproduced below:-

ਲੜੀ ਨੰਬਰ:	ਮੰਗੀ ਗਈ ਸੂਚਨਾ	ਦਿੱਤੀ ਜਾਣ ਵਾਲੀ ਸੂਚਨਾ
1	What authentic action has been taken on representation was given to your office vide receipt no.24652 dated 13.6.2018 ,2903 dated 18.6.2018 and then vide registered letter dated 2.7.2019 and registered letter dated 14.8.2019 same date application was also given to Financial Commissioner Punjab who vide End No.24/29/19, ST.2/6868 Chandigarh dated 25.7.2019 what action has been taken on it. What action has been taken on legal notice of Abhiraj Singh Bawaja legal notice dated 30.7.2019 ?	ਆਪ ਜੀ ਵੱਲੋਂ ਪ੍ਰਾਪਤ ਹੋਈ ਦਰਖਾਸਤ ਮਿਤੀ:13.6.2018 ਜੋ ਕਿ ਇਸ ਦਫਤਰ ਵਿਚ ਮਿਤੀ:18.6.2018 ਨੂੰ ਪ੍ਰਾਪਤ ਹੋਈ ਸੀ। ਇਸ ਦੀ ਕਾਪੀ ਸਬ ਰਜਿਸਟਰਾਰ ਲੁਧਿਆਣਾ ਪੁਰਖੀ ਨੂੰ ਪੱਤਰ ਨੰਬਰ:5220/ਏ.ਡੀ.ਸੀ. ਮਿਤੀ:9.7.2018 ਰਾਹੀਂ ਭੇਜ ਦਿੱਤੀ ਗਈ ਸੀ। ਆਪ ਵੱਲੋਂ ਦਿੱਤੀ ਗਈ ਦਰਖਾਸਤ ਮਿਤੀ:14.8.2019 ਵਾ ਦਰਖਾਸਤ 25.7.2019 ਸਬੰਧੀ ਆਪ ਨੂੰ ਇਸ ਦਫਤਰ ਦੇ ਪੱਤਰ ਨੰਬਰ:2247 ਮਿਤੀ:31.7.2019 ਰਾਹੀਂ ਜਮਾਂ ਕੀਤੀ ਗਈ ਰਾਸ਼ੀ ਦੇ ਜਮਾਂ ਕਰਾਏ ਗਏ ਚਲਾਨ ਆਦਿ ਦੀ ਮੰਗ ਕੀਤੀ ਗਈ ਸੀ। ਜਿਸ ਸਬੰਧੀ ਆਪ ਵੱਲੋਂ ਸਬੰਧਤ ਸੂਚਨਾ ਪ੍ਰਾਪਤ ਹੋਣ ਤੇ ਇਸ ਦਫਤਰ ਦੇ ਪੱਤਰ ਨੰਬਰ:2608 ਐਚ.ਆਰ.ਸੀ. ਮਿਤੀ: 24.9.2019 ਰਾਹੀਂ ਜੁਆਇੰਟ ਸਬ ਰਜਿਸਟਰਾਰ ਸਾਹਨੇਵਾਲ ਜੀ ਨੂੰ ਰਿਕਾਰਡ ਘੋਖ ਕੇ ਰਿਪੋਰਟ ਭੇਜਣ ਲਈ ਲਿਖ ਦਿੱਤਾ ਗਿਆ ਸੀ। ਇਸ ਤੇ ਇਲਾਵਾ ਮਿਤੀ:30.7.2019 ਨੂੰ ਪ੍ਰਾਪਤ ਹੋਏ ਲੀਗਲ ਨੋਟਿਸ ਦੀ ਕਾਪੀ ਇਸ ਦਫਤਰ ਦੇ ਪੱਤਰ ਨੰਬਰ:2729 ਐਚ.ਆਰ.ਸੀ. ਮਿਤੀ 24.9.2021 ਰਾਹੀਂ ਜੁਆਇੰਟ ਸਬ ਰਜਿਸਟਰਾਰ ਸਾਹਨੇਵਾਲ ਨੂੰ ਭੇਜ ਦਿੱਤਾ ਗਿਆ ਸੀ।
2	Why sale deed wasika no.13497 dt 13.11.2006 of Village Mangli Neechi has not been realeased to us and mutation of the plot has not been sanctioned in our name so far?	ਜੁਆਇੰਟ ਸਬ ਰਜਿਸਟਰਾਰ ਸਾਹਨੇਵਾਲ ਦੀ ਰਿਪੋਰਟ ਅਨੁਸਾਰ ਵਸੀਕਾ ਨੰਬਰ:13497 ਮਿਤੀ:13.11.2006 ਆਪ ਜੀ ਵੱਲੋਂ ਮਿਤੀ:16.4.2021 ਨੂੰ ਹਸੀਵ ਕਰ ਲਿਆ ਗਿਆ ਹੈ ਜੀ। ਜਿਥੇ ਤੱਕ ਆਪ ਜੀ ਵੱਲੋਂ ਇਸ ਵਸੀਕੇ ਨਾਲ ਸਬੰਧਤ ਇੰਤਕਾਲ ਨਾ ਹੋਣ ਬਾਰੇ ਕਾਰਣ ਪੁੱਛਿਆ ਗਿਆ ਹੈ, ਉਹ ਇਕ ਪ੍ਰਸ਼ਨ ਰੂਪ ਹੈ ਜੋ ਕਿ ਆਰ.ਟੀ.ਐਕਟ ਅਧੀਨ ਸੂਚਨਾ ਨਹੀਂ ਦਿੱਤੀ ਜਾ ਸਕਦੀ ਹੈ।

11. Also the Naib Tehsildar, Sahnewal sent the written reply and the relevant portion of the same is reproduced below:-

“ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਆਪ ਜੀ ਵੱਲੋਂ ਹੋਏ ਹੁਕਮਾਂ ਦੀ ਪਾਲਣਾ ਕਰਦੇ ਹੋਏ ਇਸ ਦਫਤਰ ਦੇ ਪੱਤਰ ਨੰਬਰ 36 ਮਿਤੀ 16.4.2021 ਰਾਹੀਂ ਹਲਕਾ ਕਾਨੂੰਗੋ/ਪਟਵਾਰੀ ਤੇ ਇੰਤਕਾਲ ਕਰਨ ਸਬੰਧੀ ਲਿਖਿਆ ਗਿਆ ਸੀ। ਕਾਨੂੰਗੋ/ਪਟਵਾਰੀ ਵੱਲੋਂ ਇੰਤਕਾਲ ਸਬੰਧੀ ਰਿਪੋਰਟ ਮਿਤੀ 6.9.2021 ਇਸ ਦਫਤਰ ਵਿੱਚ ਪੇਸ਼ ਕੀਤੀ ਜਿਸ ਦੀ ਕਾਪੀ ਇਸ ਪੱਤਰ ਨਾਲ ਸ਼ਾਮਲ ਕਰਕੇ ਆਪ ਨੂੰ ਸੂਚਨਾਂ ਅਤੇ ਲੋੜੀਂਦੀ ਕਾਰਵਾਈ ਹਿੱਤ ਭੇਜੀ ਜਾਂਦੀ ਹੈ।”

12. It is also a fact on record that the appellant has already received an original copy of Wasika from the respondents.

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13. Keeping in view the specific reply submitted by the respondents, the Commission is of the view that no further action is required to be taken in this case. Hence, the case is disposed of and closed.

sd

Dated: 12.1.2022

(Suresh Arora)

Chief Information Commissioner,
Punjab.