

# PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Sector 16, Chandigarh.

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Whatsapp No. 62848-20189 Cisco Webex: 158 708 3455



Shri Naresh Kumar Gupta,

# Gole Market,

Jaitu, District - Faridkot.

M : 9872761372

Appellant

Vs

Public Information Officer

O/o Punjab State Information Commission,

Sector 16,

Chandigarh.

First Appellate Authority

O/o ACFA,

Punjab State Information Commission,

Sector 16,

Chandigarh

Respondents

## Appeal Case No. 3934/2021

Present:- None on behalf of the appellant.

Sh. Sudhir Kumar, SO, on behalf of the respondents.

### ORDER

The RTI application is dated 6.6.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 5.7.2021 and second appeal was filed in the Commission on 8.9.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant has sent an email vide which it is requested for the adjournment of the case on medical grounds. Accordingly, the request of the appellant is accepted and the case is adjourned. Also the respondent-Public Information Officer has filed the written submissions with a copy to the appellant, which are taken on record.

3. To come up on 15.11.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Faridkot.

sd

Dated: 12.10.2021

(Suresh Arora)

Chief Information Commissioner, Punjab.

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Shri Naresh Kumar Gupta,

# Gole Market,

Jaitu, District - Faridkot.

M : 9872761372

Appellant

Vs

Public Information Officer

O/o Punjab State Information Commission,

Sector 16,

Chandigarh.

First Appellate Authority

O/o ACFA,

Punjab State Information Commission,

Sector 16, Chandigarh

Respondents

**Appeal Case No. 3935/2021**

Present:- None on behalf of the appellant.

Sh. Sudhir Kumar, SO, on behalf of the respondents.

## ORDER

The RTI application is dated 6.6.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 5.7.2021 and second appeal was filed in the Commission on 8.9.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant has sent an email vide which it is requested for the adjournment of the case on medical grounds. Accordingly, the request of the appellant is accepted and the case is adjourned. Also the respondent-Public Information Officer has filed the written submissions with a copy to the appellant, which are taken on record.

3. To come up on 15.11.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Faridkot.

Dated: 12.10.2021

Sd

(Suresh Arora)

Chief Information Commissioner,

Punjab.

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Shri Naresh Kumar Gupta,

# Gole Market,

Jaitu, District - Faridkot.

M : 9872761372

Appellant

Vs

Public Information Officer

O/o Punjab State Information Commission,

Sector 16, Chandigarh.

First Appellate Authority

O/o ACFA,

Punjab State Information Commission,

Sector 16, Chandigarh

Respondents

**Appeal Case No. 3936/2021**

Present:- None on behalf of the appellant.

Sh. Sudhir Kumar, SO, on behalf of the respondents.

## ORDER

The RTI application is dated 6.6.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 5.7.2021 and second appeal was filed in the Commission on 8.9.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant has sent an email vide which it is requested for the adjournment of the case on medical grounds. Accordingly, the request of the appellant is accepted and the case is adjourned. Also the respondent-Public Information Officer has filed the written submissions with a copy to the appellant, which are taken on record.

3. To come up on 15.11.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Faridkot.

sd

Dated: 12.10.2021

(Suresh Arora)

Chief Information Commissioner,  
Punjab.

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Shri Naresh Kumar Gupta,

# Gole Market,

Jaitu, District - Faridkot.

M : 9872761372

Appellant

Vs

Public Information Officer

O/o Punjab State Information Commission,

Sector 16,

Chandigarh.

First Appellate Authority

O/o ACFA,

Punjab State Information Commission,

Sector 16, Chandigarh

Respondents

**Appeal Case No. 3937/2021**

Present:- None on behalf of the appellant.

Sh. Sudhir Kumar, SO, on behalf of the respondents.

## ORDER

The RTI application is dated 6.6.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 5.7.2021 and second appeal was filed in the Commission on 8.9.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant has sent an email vide which it is requested for the adjournment of the case on medical grounds. Accordingly, the request of the appellant is accepted and the case is adjourned. Also the respondent-Public Information Officer has filed the written submissions with a copy to the appellant, which are taken on record.

3. To come up on 15.11.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Faridkot.

sd

(Suresh Arora)

Chief Information Commissioner,

Punjab.

Dated: 12.10.2021

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Shri Naresh Kumar Gupta,

# Gole Market,

Jaitu, District - Faridkot.

M : 9872761372

Appellant

Vs

Public Information Officer

O/o Punjab State Information Commission,

Sector 16, Chandigarh.

First Appellate Authority

O/o ACFA,

Punjab State Information Commission,

Sector 16, Chandigarh.

Respondents

**Appeal Case No. 3938/2021**

Present:- None on behalf of the appellant.

Sh. Sudhir Kumar, SO, on behalf of the respondents.

## ORDER

The RTI application is dated 6.6.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 5.7.2021 and second appeal was filed in the Commission on 8.9.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant has sent an email vide which it is requested for the adjournment of the case on medical grounds. Accordingly, the request of the appellant is accepted and the case is adjourned. Also the respondent-Public Information Officer has filed the written submissions with a copy to the appellant, which are taken on record.

3. To come up on 15.11.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Faridkot.

sd

(Suresh Arora)

Chief Information Commissioner,  
Punjab.

Dated: 12.10.2021

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Sh. Pritam Singh,  
H.No. 30, Street No. 5,  
Jai Jawan Colony  
Patiala 9463422634

....Appellant

Vs

Public Information Officer  
o/o Director,  
Animal Husbandry, Punjab  
Sector 68, Mohali

First Appellate Authority  
o/o Director,  
Animal Husbandry, Punjab  
Sector 68, Mohali

....Respondents

Appeal Case No. 3657 of 2021  
(Video Conference Proceedings)

Present:- Sh. Pritam Singh, appellant.  
Sh. Dilbag Singh, Sr. Asstt 9463981908 9417830560 and Sh. Sher Singh Rana,  
Sr. Asstt 9463981908 on behalf of the respondents.

## ORDER

This order may be read with reference to the previous order dated 23.9.2021.

2. The representative of the respondents states that the information as available on record has already been supplied to the appellant and sent the same through registered post on 11.10.2021 with a copy to the Commission, which is taken on record.

3. Accordingly, the appellant is advised to go through the same on its receipt and point out deficiency if any, before the next date of hearing to the respondent-Public Information Officer with a copy to the Commission.

4. To come up on 25.10.2021 at 12.30 pm to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Patiala.

sd

Dated: 12.10.2021

(Suresh Arora)  
Chief Information Commissioner,  
Punjab.

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Sh. Sandeep Kumar 9261330007

# 3035, Gali No. 7, Guru Nanak Colony,

Near Baba Balak Nath Mandir,

Taran Taran Road, District Amritsar

..Complainant

Vs

Sh. Vipin Bhandari

Public Information Officer-cum-

Distt. Revenue Officer,

o/o Deputy Commissioner,

District Amritsar

....Respondents

Complaint Case No. 414 of 2021

(Video Conference/Telephone Proceedings)

Present:- Sh. Sandeep Kumar, on behalf of the complainant.

Sh. Sajan Kumar Garg, \_\_\_\_\_ on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 22.9.2021.

2. The appellant states that no information has been provided by the respondents so far. However, the representative of the respondents has not given any satisfactory reply. Video Conference Facility was introduced for convenience of general public and for government officials. Viewing the attitude in dealing with the RTI application of the complainant by the respondent seriously, Sh. Vipin Bhandari, Distt. Revenue Officer, is, thus, issued a show cause notice to explain in a self-attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to a maximum of Rs.25000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay/denial of the information to the RTI applicant. In addition to the written reply, the PIO is also 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 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 next date, it will be presumed that he has nothing to say and the Commission will proceed ex-parte.

3. To come up on 25.10.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Amritsar.

sd

(Suresh Arora)

Chief Information Commissioner, Punjab.

Dated: 12.10.2021

Cc

Sh. Gurpreet Singh Khaira, IAS

Deputy Magistrate,

District Amritsar

Registered

Ms. Ruhi Dugg, PCS

Addl. Deputy Commissioner (G) District Amritsar

Registered

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Sh. Manjit Singh s/o Sh. Bachan Singh  
H.No. 2, Street No.1,  
Near Nirmal Palace, Main Road  
Village Daba PO Dhandari Kalan  
District Ludhiana 141014 8528951496

....Appellant

vs

Public Information Officer  
o/o Tehsildar  
Ludhiana West,  
District Ludhiana

First Appellate Authority  
o/o Tehsildar  
Ludhiana West,  
District Ludhiana

....Respondents

Appeal Case No. 3672 of 2021  
(Video Conference Proceedings)

Present:- Sh. Manjit Singh, appellant.  
Ms. Harpreet Kaur, Sr. Asstt., on telephone, 9877177747 on behalf of the respondents.

## ORDER

This order may be read with reference to the previous order dated 23.9.2021.

2. The representative of the respondents states that the sought information from 2010 onwards has already been supplied to the appellant. Regarding information from 2005 to 2010 as has been sought the appellant, the representative of the respondents states that the information was manually maintained and voluminous in nature. He further requested that the appellant may be advised to inspect the record and the documents if so identified by the appellant will be supplied to him with which the appellant agreed to. With the mutual understanding both the parties fixed the date of inspection as 13.10.2021. Accordingly, the respondent-Public Information Officer is directed to make available the record for the inspection of the appellant and supply the documents if so identified by him.

3. To come up on 25.10.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana.

sd

Dated: 12.10.2021

(Suresh Arora)

Chief Information Commissioner, Punjab.



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Sh. Baljeet Singh 7696500015

64 H, BRS Nagar,

District Ludhiana

....Appellant

Vs

Public Information Officer (By name) **Registered**

o/o Deputy Commissioner,

District Ludhiana

First Appellate Authority

o/o Deputy Commissioner,

District Ludhiana

Public Information Officer (By name)

**Registered**

o/o the Civil Surgeon,

Ludhiana

....Respondents

Appeal Case No. 2917 of 2020

(Video Conference/Telephone Proceedings)

Present:- Sh. Baljeet Singh, appellant.

Sh. Pardeep, Sr. Asstt. M.A. Branch \_\_\_\_\_ on behalf of the respondents.

## ORDER

This order may be read with reference to the previous order dated 8.9.2021.

2. The representative of the respondents handed over the 50 pages of information to the appellant during the hearing dated 8.9.2021 pertaining to Point No. 1,2 & 3 of the RTI application. Regarding Point No. 5,6,7,8,9 and 10 the Civil Surgeon, District Ludhiana has already filed the reply which is reproduced below:-

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਦੇ ਸਬੰਧ ਵਿੱਚ ਬਿਨੈਕਾਰ ਵੱਲੋਂ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਪਹਿਲਾਂ ਹੀ ਇਸ ਦਫਤਰ ਦੇ ਪੱਤਰ ਨੰ: ਆਰਟੀਆਈ/21/303 ਮਿਤੀ 18.02.2021 ਰਾਹੀਂ ਭੇਜ ਦਿੱਤੀ ਸੀ, ਜਿਸ ਵਿੱਚ ਸਪਸ਼ਟ ਕੀਤਾ ਗਿਆ ਸੀ ਕਿ ਲੜੀ ਨੰ: 1,2,3 ਸਬੰਧੀ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਇਸ ਦਫਤਰ ਨਾਲ ਸਬੰਧਤ ਨਹੀਂ ਹੈ। ਲੜੀ ਨੰ: 5,6,7,8,9 ਅਤੇ 10 ਸਬੰਧੀ ਲਿਖਿਆ ਗਿਆ ਸੀ ਕਿ ਕੋਵਿਡ-19 ਪੀਰੀਅਡ ਦੌਰਾਨ ਖ਼ਿਆਦਾਤਰ ਸਮਾਨ ਚੰਡੀਗੜ੍ਹ ਹੈਡਕੁਆਟਰ ਤੋਂ ਪ੍ਰਾਪਤ ਹੋਇਆ ਹੈ ਅਤੇ ਉਸ ਤੋਂ ਇਲਾਵਾ (ਜੋ ਸਮਾਨ ਚੰਡੀਗੜ੍ਹ ਵਿਖੇ ਉਪਲਬਧ ਨਹੀਂ ਹੈ) ਦਵਾਈਆਂ ਅਤੇ ਹੋਰ Consumable items ਦੀ ਖਰੀਦ Govt. Approved Source (NACOF) ਤੋਂ ਖਰੀਦੀਆਂ ਗਈਆਂ ਹਨ। ਇਹ ਵੱਡੇ ਪੱਧਰ ਦੀ ਫੋਟੋਕਾਪੀ ਇਸ ਐਕਟ ਅਧੀਨ (As per RTI act of Non Disclosure of information- This information cannot be supplied under section 8(1)(d). Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that large public interest warrants the disclosure of such information) ਨਹੀਂ ਦਿੱਤੀਆਂ ਜਾ ਸਕਦੀਆਂ ਹਨ।

ਆਪ ਜੀ ਨੂੰ ਇਹ ਵੀ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਮਾਨਯੋਗ ਸੁਪਰੀਮ ਕੋਰਟ ਜੀ ਵੱਲੋਂ ਸਿਵਲ ਅਪੀਲ ਨੰ: 6454 ਆਂਡ 2011 ਵਿੱਚ ਦਿੱਤੇ ਫੈਸਲੇ ਅਨੁਸਾਰ ਇਹ ਸੂਚਨਾ ਦੇਣੀ ਨਹੀਂ ਬਣਦੀ ਹੈ। ਕਿਉਂ ਜੋ ਸਿਹਤ ਵਿਭਾਗ ਪਹਿਲਾਂ ਹੀ ਕਰੋਨਾ ਮਹਾਂਮਾਰੀ ਨੂੰ ਨਜਿੱਠਣ ਹਿੱਤ, ਆਮ ਜਨਤਾ ਨੂੰ ਸਿਹਤ ਸਹੂਲਤਾਂ ਦੇਣ ਵਿੱਚ ਲੱਗਾ ਹੋਇਆ ਹੈ। ਇਸ ਲਈ ਬਿਨੈਕਾਰ ਨੂੰ voluminous ਸੂਚਨਾ ਨਹੀਂ ਦਿੱਤੀ ਜਾ ਸਕਦੀ ਕਿਉਂ ਕਿ ਇਸ ਵਿੱਚ ਬਹੁਤ ਲੰਬਾ ਸਮਾਂ / ਪਿਆਨ ਲੱਗਦਾ ਹੈ, ਜੀ।

Contd..p/2

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Appeal Case No. 2917 of 2020

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3. Regarding point number 8 of the RTI application the Public information Officer office of the Deputy Commissioner, Ludhiana has filed the specific reply that no such information is available in the official records pertaining to gift items received in connection with Covid 19 from individuals/ NGOs etc. by the district administration/Hospital/PHC/CMO/SMO etc. till date. Regarding point number 5,6,7,9 and 10, the office of the Civil surgeon, Ludhiana filed the submission, enumerated in para 2 above, that the information falls under the category of Section 8(1)(d) of the RTI Act, 2005 which includes commercial confidence trade secrets or intellectual property the disclosure of which would harm the competitive position of a third party, unless the competent court is satisfied that larger public interest warrants the disclosure of such information.

4. After consideration of the submissions made by the respondent Public information Officer office of Civil Surgeon, Ludhiana, it is observed that the same are not justified in this case because the people have a right to know the quality, quantity and competitive rates of the ventilators, machinery, equipments, medicines and other materials procured in the fight against Covid 19 pandemic information of which has been sought by the appellant. It is also pertinent to mention over here that even if the tenders are invited by the public authority and on the basis of tender documents the eligibility of a tender or a bidder is decided, then those tender documents cannot be kept secret, that too, after the tender is decided and the order is issued on the ground that it will amount to disclosure of trade secret or commercial confidence. If the public authorities refuse to disclose the document, the very purpose of the Act will be defeated which has twin objectives – Transparency and Accountability. Moreover, disclosure of information of such a nature cannot be a trade secret or commercial confidence, rather disclosure of such information shall be in public interest in as much as it will show the transparency in the activities of the public authorities. Furthermore, the mere submissions that the information falls under Section 8(1)(d) of the RTI Act, 2005 is not justified. Therefore, the respondent Public information Officer office of the Civil Surgeon, Ludhiana is directed to supply the information pertaining to point number 5,6,7,9 and 10 of the RTI application of the appellant as the larger public interest warrants

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Appeal Case No. 2917 of 2020

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the disclosure of the same. Also the respondent Public information Officer office of the Civil Surgeon, Ludhiana is directed to file the reply/supply the information pertaining to Point Number 8 of the RTI application i.e. the gift items received in connection with COVID-19 from individuals, NGOs etc. before the next date of hearing. The RTI application was filed by the appellant on 29.5.2020 and in case of defiance with this order of the Commission, penalty provisions will be invoked on the next date of hearing.

3. To come up on 11.11.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana.

Dated: 12.10.2021

sd  
(Suresh Arora)  
Chief Information Commissioner,  
Punjab.