



Sh.Parminder Singh,
H No-422, Palam Enclave,
Morinda, DisttRoopnagar.

... Appellant

Versus

Public Information Officer,
O/o EO, PUDA,
Mohali.

...Respondent

Complaint Case No. 277 of 2019

PRESENT: Sh.Parminder Singh as the Complainant
None for the Respondent

ORDER:

Facts of the Case-

- 1) That the complainant Sh.Parminder Singh filed an RTI application on 20.12.2018 seeking information regarding registration deed dated 19.10.2004, allotment letter No.1138, Transfer of ownership rights dated 07.11.2004 and other information from the office of Estate Officer, PUDA Mohali.
- 2) That the information was not provided within the stipulated time under section 7 of the RTI Act, after which the complainant filed a complaint in the Commission on 18.03.2019.
- 3) That a notice was issued to the PIO- EO PUDA Mohali on 13.06.2019 for his appearance before the Commission personally or through a representative on 24.07.2019.
- 4) That on the date of the hearing (24.07.2019), the complainant claimed that the PIO has not provided the information even after a reminder issued to the PIO on 23.02.2019.
- 5) That the respondent was absent without intimation to the Commission. The Commission observed that there has been an enormous delay of 7 months in attending to the RTI application, the Commission took a serious view of this and directed the PIO to show cause **why penalty be not imposed on him under section 20 of the RTI Act for not supplying the information within the statutorily prescribed period of time. The PIO** was directed to file a reply in this regard on an affidavit.

That the PIO was again directed to provide the information to the complainant within 10 days of the issue of the order.

- 6) That on the date of next hearing which was held on 23.10.2019, the Commission received a letter diary No.16239 on 26.08.2019 from the PIO stating that the information has been sent to the complainant vide letter dated 22.07.2019. The complainant informed that he has not received the information.

The PIO was absent. The PIO was given one last opportunity to reply to the show cause notice on an affidavit for the delay in providing the information with a order, that failing to do so, it would be presumed that the PIO has nothing to say in the matter and the Commission would be constrained to take action against the PIO as per provisions of section 20 of the RTI Act. The PIO was also directed to be present personally on the next date of hearing.

The case has come up for hearing today. The complainant informed that the PIO has not provided the information. The PIO is absent on 3rd consecutive hearing nor has sent any reply to the show cause notice.

Keeping the above-mentioned facts of the case, it is clear that the PIO is flouting the spirit of the RTI Act continuously. The PIO has not only shown utter disregard for the Commission's repeated orders to provide the information but has shown willful stubbornness in not replying to the Show Cause and not appearing before the commission despite various orders.

To secure an erring PIO's presence before the commission the Information Commission is empowered to issue warrants to Under Section 18(3) of the RTI Act. A bailable Warrant of the PIO-cum-Estate Officer, Punjab Urban Development Authority (PUDA), Mohali is hereby issued through Senior Superintendent of Police, Mohali for his presence before the Commission on **03.03.2020**.

To come up for further hearing on **03.03.2020 at 11.00 AM**.

Chandigarh
Dated:13.02.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

**BAILABLE WARRANT OF PRODUCTION
BEFORE
SHRI KHUSHWANT SINGH
STATE INFORMATION COMMISSIONER, PUNJAB
AT CHANDIGARH**

In case: Parminder Singh V/s Public Information Officer, Estate Officer,
PUDA Mohali

APPEAL CASE NO. 277 of 2019

UNDER SECTION 18 OF THE RIGHT TO INFORMATION ACT, 2005

Next Date of Hearing :03.03.2020

To

**The Senior Superintendent of Police,
Mohali.**

Whereas the Estate Officer, PUDA Mohali has failed to appear before the State Information Commissioner, Punjab despite the issuance of notice/summon in the above mentioned appeal case. Therefore, you are hereby directed to serve this bailable warrant to the Estate Officer, PUDA, Mohali to appear before the undersigned at Red Cross Building, Near Rose Garden, Sector 16, Chandigarh on **03.03.2020 at 11.00 AM.**

**Chandigarh
Dated: 13.02.2020**

**(Khushwant Singh)
State Information Commissioner**

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email: -psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh.Pardeep Sehgal, S/o ShMohinderNath,
R/o H No-136, PushapVihar, BarewalRoad,
Ludhiana.

..Complainant

Versus

Public Information Officer,
O/o DC,
Ludhiana.

...Respondent

Complaint Case No. 382 of 2019

PRESENT: None for the Appellant
Pardeep Kumar Bhatti, Clerk, O/o DC Ludhiana for the Respondent

ORDER: The case was first heard on 09.07.2019. The counsel for the appellant claimed that the PIO has not provided the information to the appellant till date. The respondent was absent. The PIO was directed to provide any paper/document available on record pertaining to money lending license applied by the appellant with the receipt No.327897/MA dated 01.10.2018.

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 2005** and directed to file a reply on an affidavit. The PIO was again directed to send the information to the appellant within 10 days.

The case was last heard on **23.10.2019** Both the parties were absent. The PIO was given one last opportunity to file reply to the show cause notice on an affidavit and comply with the earlier order of the Commission, otherwise it will be presumed that he has nothing to say in the matter and the Commission will be constrained to penalize the PIO u/s 20 of the RTI Act. The PIO was also directed to be present personally at the next date of hearing.

Hearing dated 13.02.2020:

The respondent present informed that the information has been provided to the complainant on 06.08.2019. The complainant vide email has informed that he has received the information and does not want to pursue the complaint further.

The Commission however, in the complaint case is not concerned with getting the information provided to the complainant but the objection of the Commission is to consider the conduct of the PIO whether the PIO has supplied the information or not within the time prescribed under the RTI Act. The first information was supplied on 06.08.2019. The complainant was not satisfied. The respondent again provided the information on 09.12.2019 and 03.02.2020, after which the complainant was satisfied.

The Commission observes that there is an enormous delay in providing the information and the Commission has taken a serious note of this. The respondent has submitted a reply to the show cause notice on an affidavit which is taken on the file of the Commission.

Since the complainant does not want to pursue the case further, the Commission considers and accepts the plea of the PIO and dispose off the complaint with a warning to the PIO that the same shall not be repeated again.

The case is **disposed off and closed.**

Chandigarh
Dated:13.02.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh Ramandeep Singh, Ward No-18,
Street No-2, Kartar Nagar, Amloh Road,
Khanna.

... Appellant

Versus

Public Information Officer,
O/o E.O MC,
Amloh.

First Appellate Authority,
O/o Regional Depty Director,
Urban local Govt, 1st Floor,
Mini Secretariat, Ferozepur Road,
Ludhiana.

...Respondent

Appeal Case No. 1875 of 2019

PRESENT: Sh.Ramandeep Singh as the Appellant
Sh.Lal Chand, Clerk for the Respondent

ORDER:

The appellant through RTI application dated 30.01.2019 has sought information regarding enlistment of contractor M/s N.K. Construction of Mandi Gobindgarh in 2018- and other information concerning the office of EO, MC Amloh. The appellant was not provided the information after which the appellant filed a first appeal before the First Appellate Authority on 28.03.2019, which took no decision on the appeal.

The case was last heard on 17.10.2019. The respondent present on behalf of the PIO sought more time for providing the complete information.

The Commission observed that the appellant has sought information regarding enlistment of contractor M/s N.K. Construction but has not established any larger public interest in seeking the information. The appellant was directed to establish that disclosure of information has a larger public interest.

Hearing dated 13.02.2020:

In the last hearing, the appellant was directed to establish that the disclosure of information has a larger public interest. The appellant has submitted a letter whereby the appellant has tried to establish that the disclosure of information has a larger public interest stating that this particular contractor has not been enlisted as per law and disclosure of documents will reveal the contention of the appellant. The appellant stated that the enlistment letter to the contractor can only be issued at the level of the technical officer such as the Municipal Engineer or the Assistant Municipal Engineer.

Keeping the above in view, the Commission finds that the disclosure of information is in public interest and directs the PIO to provide the information to the appellant as per the RTI application within 15 days.

To come up for compliance on **16.03.2020 at 11.00 AM.**

Chandigarh
Dated 13.02.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh Arvinder Singh,
H no-4589/5, Upkar Nagar,
Factory Area, Patiala.

... Appellant

Versus

Public Information Officer,
O/o Nodal Officer, PSPCL,
Patiala.

First Appellate Authority,
O/o Chief Accounts Officer,
Head Quarter, PSPCL,
Patiala.

...Respondent

Appeal Case No. 1963 of 2019

PRESENT: Sh.Arinder Singh as the Appellant
Sh.Ashok Kumar, Joint Secretary(Finance)-cum-PIO for the Respondent

ORDER:

The appellant through RTI application dated 14.11.2018 has sought information regarding copy of noting on which the case for promotion was dealt and other information concerning the office of Nodal Officer, PSPCL Patiala. The appellant was not provided the information after which the appellant filed a first appeal before the First Appellate Authority on 24.12.2018, which took no decision on the appeal.

The case was last heard on **17.10.2020**. The respondent brought the information and handed over to the appellant. The appellant pleaded that the information has been provided but with a delay of more than ten months.

Hearing both the parties, the Commission observed that the respondent has brought the information but never provided the information after the RTI was filed and instead decided to call the appellant for inspection. The Commission found this as a delay-in-tactics and directed the PIO to **show cause why penalty be not imposed on him under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time.**

The appellant was directed to send discrepancies if any to the PIO and the PIO was directed to remove the same.

Hearing dated 13.02.2020:

The PIO is present and informed that the information has been provided to the appellant and the appellant has received the same. The appellant pleaded that the information has been provided with a delay of more than ten months.

The PIO has submitted an affidavit explaining the reasons for delay in providing the information. Having gone through the record, the Commission observes that the PIO has not attended to the RTI application within the time prescribed under the RTI Act and has supplied the information on 17.10.2019 only after the appellant came to the Commission.

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, Sh.Ashok Kumar, Joint Secretary (Finance-I)-cum-PIO PSPCL Patiala is hereby held guilty for not providing the information on time as prescribed under section 7, which is within 30 days of the receipt of the request, and for repeated and willful defiance of the Punjab State Information Commission's orders.

A penalty of **Rs.25,000/-** is hereby imposed upon Sh.Ashok Kumar, Joint Secretary (Finance-I)-cum-PIO PSPCL Patiala which be deposited in the Govt. Treasury. Sh.Ashok Kumar, Joint Secretary (Finance-I)-cum-PIO PSPCL Patiala is directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury.

Further, the Commission is of the view that since the appellant has had to suffer undue inconvenience to get the information, it is a fit case for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act.

The PIO is directed to pay an amount of **Rs.5000/-** 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.

To come up for compliance on **16.03.2020 at 11.00 AM.**

Chandigarh
Dated 13.02.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to:Sh.Ashok Kumar,
Joint Secretary(Finance-I),
PSPCL Patiala.



Sh Vinay Sood, # 51, Phase-II,
Urban Estate, Patiala.

... Appellant

Versus

Public Information Officer,
O/o XEN, PSPCL, Model Town,
Patiala.

First Appellate Authority,
O/o Chief Engineer, Operational (South),
PSPCL, Patiala.

... Respondent

Appeal Case No. 1965 of 2019

PRESENT: None for the Appellant
Sh.Amandeep Singh, Sr.Xen-cum-APIO for the Respondent

ORDER:

The appellant through RTI application dated 26.07.2018 has sought information regarding details of security got deposited by PSPCL at the time of installation of electric connection no.300059629 and other information concerning the office of Xen, PSPCL Model Town Patiala. The appellant was not satisfied with the reply of the PIO dated 28.09.2018 & 16.01.2019 vide which the PIO denied the information stating that the electric connection khata number being 20 years old, there is no record exists, after which the appellant filed a first appeal before the First Appellate Authority on 21.02.2019, which disposed off the appeal on 12.04.2019.

The case was last heard on 17.10.2019. The appellant informed that the PIO has not provided the information. Having gone through the record, the Commission observed that the PIO had not sent appropriate reply to the appellant and had casually stated that the record is missing. The PIO was directed to provide enquiry report that the record has been destroyed, misplaced or exhumed as per procedure. However, the respondent could not clarify that whether record has been misplaced or has been exhumed as per procedure. The PIO was directed to clarify the position at the next date of hearing.

Hearing dated 13.02.2020:

The respondent present pleaded that the available information has been sent to the appellant vide letter dated 31.12.2019. The appellant is absent and vide email has sought adjournment. The appellant has however, not clarified that whether he has received the information or not. The appellant is given one last opportunity to inform the Commission whether he has received the information and or not, and point out the discrepancies, if any.

To come up for further hearing on **07.04.2020 at 11.00 AM through** video conference facility available in the office of Deputy Commissioner, Patiala. Copies of order be sent to both the parties through registered post.

Chandigarh
Dated 13.02.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Ms.Kamaldeep Kaur, D/o Sh.Pritpal Singh,
R/o Village Gumtala, Opposite Dispensary,
Ward No-5, Amritsar.

... Appellant

Versus

Public Information Officer,
O/o ADA,
Amritsar.

First Appellate Authority,
O/o Addl, Chief Administrator,
ADA, Amritsar.

...Respondent

Appeal Case No. 2060 of 2019

PRESENT: None for the Appellant
Sh.Simarpreet Singh, JE(Civil) O/o ADA Amritsar for the Respondent

ORDER:

The appellant through RTI application dated 23.02.2019 has sought information on 17 points regarding details of various works for streets and roads in ward No.5, Village Gumtala Amritsar and other information concerning the office of ADA Amritsar. The appellant was not provided the information after which the appellant filed a first appeal before the First Appellate Authority on 25.03.2019, which took no decision on the appeal. After filing appeal, the PIO vide letter dated 03.05.2019 asked the appellant to deposit requisite fee of Rs.4000/- for approximately 2000 pages and get the relevant information.

The case was last heard on 22.10.2019. The respondent present pleaded that since the information is voluminous, the appellant was asked to inspect the record and get the relevant information but the appellant did not prefer to inspect the record. Thereafter, vide letter dated 03.05.2019, the appellant was asked to deposit requisite fee of Rs.4000/- for 2000 pages which the appellant did not deposit and hence, the information was not provided. The respondent had brought entire record in the Commission.

However, the appellant during the hearing asked for information on 8 points (points 1,2,4, 5, 6, 7, 13 & 14). The respondent was directed to provide the information on these points as per the RTI application.

Hearing dated 13.02.2020:

The respondent present pleaded that the information has been provided to the appellant on 23.01.2020. The appellant is absent and vide email has sought time to go through the information and to point out the discrepancies.

The case is adjourned. To come up for further hearing on **07.04.2020 at 11.00 AM through** video conference facility available in the office of Deputy Commissioner, Amritsar. Copies of order be sent to both the parties through registered post.

Chandigarh
Dated 13.02.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh.Ranjeet Singh,
H No-95, Maharaja Yadvindra Enclave,
Nabha road, Patiala.

... Appellant

Versus

Public Information Officer,
O/o Dy. Chief Engineer,
Technical Audit (Electrical),
PSPCL, Patiala.

First Appellate Authority,
O/o Chief Engineer,
Technical Audit (Electrical),
PSPCL, Patiala.

...Respondent

Appeal Case No. 2211 of 2019

PRESENT: None for the Appellant
Sh.Dharmvir Kamal, APIO for the Respondent

ORDER:

The appellant through RTI application dated 16.11.2018 has sought information on 13 points regarding file No.TA-7581 relating to charge sheet issued to SE Technical and other information concerning the office of Dy.CE-Technical Audit (Electrical), PSPCL Patiala. The appellant was not provided the information after which the appellant filed a first appeal before the First Appellate Authority on 31.12.2018 which took no decision on the appeal. After filing appeal, the PIO sent reply/information to the appellant vide letter dated 01.02.2019. On being not satisfied with the information, the appellant filed 2nd appeal in the Commission on 20.06.2019

The case was last heard on 22.10.2019. The respondent present pleaded that the information has been supplied to the appellant vide letter dated 01.02.2019 and a copy of the same submitted to the Commission. The appellant informed that he has received the information only on point-11 and the information provided on other points is not relevant and not as per the RTI application.

Having gone through the RTI application and hearing both the parties, the PIO was directed to relook at the RTI application and provide the information as per the RTI Act. If any of the document is not available on record, to give in writing that such document is not available.

Hearing dated 13.02.2020:

The respondent present pleaded that the information has been supplied to the appellant vide letter dated 28.11.2019 and a copy of the same is submitted to the Commission. The appellant is absent and vide email has informed that he has received the information and does not want to pursue the case further.

Since the information has been provided, no further course of action is required. The case is **disposed off and closed.**

Chandigarh
Dated 13.02.2020

Sd/-
(Khushwant Singh)
State Information Commissioner