

**PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, NEAR ROSE GARDEN,
SECTOR 16, CHANDIGARH.**

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Helpline No.0172-2864100(From 10.00 AM to 04.00 PM on working days)



Smt. Balwinder Kaur
H. No.195/2, Sector-45A,
Chandigarh.

.....Appellant

Versus

Public Information Officer

O/o Greater Mohali Area Development
Authority(GMADA), PUDA Bhawan,
Sector-62, Mohali.

First Appellate Authority-cum-

O/o Greater Mohali Area Development
Authority(GMADA), PUDA Bhawan,1st Floor,
Sector-62, Mohali.

....Respondents

AC No.1011 of 2021

**Present: (i) Appellant- absent.
(ii) Shri Gurwinder Singh, AEO/PIO, GMADA, Mohali.**

ORDER

(Heard through cisco webex/on mobile phone)

1. This order may be read with reference to the order dated 31.01.2022 passed by this Bench on the previous hearing.
2. The case has been heard today in Commission's office at Chandigarh. Smt. Balwinder Kaur, appellant has not come present to attend the hearing either in person before the Bench nor through cisco webex.
3. Shri Gurwinder Singh, AEO/PIO, GMADA, Mohali comes present to attend the hearing through cisco webex. The PIO reiterates the statement made by Shri Bashir Khan, Senior Assistant during the previous hearing on 31.01.2022 that a letter dated 24.01.2022 was sent to the appellant enclosing therewith a copy of the Policy dated 10.10.2012 with regard to bringing uniformity in transfer fee regarding the Letters of Intent of the residential plots at Urban Estate, S.A.S. Nagar as also the letter dated 23.06.2017 regarding reduction in transfer fee of properties allotted by PUDA and different authorities from 2.5% to 2%. He further states that as per Letter of Intent, the appellant contends that the transfer should be charged @ 1% whereby it has been charged @ 2%. In this connection, she clarifies that though as per LOI, the rate of transfer fee was 1% but the appellant had purchased the plot after 10.10.2012 when the rate of transfer fee was increased to 2%. He states that nothing beyond the position explained is available in the official records.

Cont..P-2



-2-

AC No.1011/2021

4. The appellant is contacted on mobile phone. On the asking of the Bench, she denies the receipt of information and also states that she had gone abroad and has returned to India only two days back.

5. As observed during the previous hearing and upon hearing the version of the PIO, although the Bench is convinced that correct and adequate information has been supplied to the appellant by the PIO, yet, in view of the denial of receipt of information by the appellant, the Bench directs the PIO to send the information again to the appellant by registered post, through e.mail as well as on the WhatsApp number of the appellant. After supplying the information to the appellant, the Bench directs the PIO to file an affidavit on non-judicial stamp paper within 21 (twenty one) days duly signed by the PIO and attested by the Notary Public stating therein the position as stated in para 3 above. It be further stated that nothing has been concealed therein and the statement made is true and correct. Appeal Case No. 1011/2022 be clearly mentioned at the top of the affidavit. Original affidavit be sent to the appellant and copy of the same be sent to the Commission for record.

6. With the aforesaid directions, **the instant appeal case is disposed off and closed.** Copies of the order be sent to the concerned parties.

Chandigarh
13.06.2022

Sd/-
(Lt Gen Ajae Kumar Sharma (Retd))
State Information Commissioner, Punjab

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, NEAR ROSE GARDEN,
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Shri Jasbir Singh,
Guru Nanak Nagar,
Village: Bolapur, Jhabewal,
PO: Ramgarh, Distt:Ludhiana.

.....Appellant

Versus

Public Information Officer
O/o Sub Divisional Magistrate,
Sri Muksar Sahib.

First Appellate Authority
O/o Sub Divisional Magistrate,
Sri Muksar Sahib.

....Respondents

AC No. 735 of 2022

Present: (i) **Shri Jasbir Singh, Appellant, in person.**
(ii) **None on behalf of the PIO/respondent.**

ORDER

1. The RTI application is dated 16.04.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 21.10.2021 and the second appeal was filed in the Commission on 17.01.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The notice of hearing was issued to the parties for 13.06.2022. Accordingly, the case has been heard today. Shri Jasbir Singh, the appellant comes present in person before the Bench to attend the hearing.

3. Neither the PIO O/o SDM, Sri Muksar Sahib has not come present to attend the hearing in person before the Bench or through cisco webex.

4. On the asking of the Bench, the appellant confirms the receipt of information vide letter dated 10.05.2022 and gives his consent to close the case.

5. In view of the above, no further cause of action is left in the matter. **The appeal case is disposed off and closed.** Copy of the order be sent to the parties.

Chandigarh
13.06.2022

Sd/-
(Lt Gen Ajae Kumar Sharma (Retd))
State Information Commissioner, Punjab

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Shri Ankit Sehgal
C/o Bomaby Studio
Near Main Post Office Chowk,
Pathankot.

.....Appellant

Versus

Public Information Officer-cum-
O/o Municipal Corporation,
Hoshiarpur.

First Appellate Authority-cum-
O/o Commissioner,
Municipal Corporation, Hoshiarpur.

....Respondents

AC No.691 of 2022

Present: (i) **Appellant-absent.**
(ii) **Shri Hardeep Kumar, SDO/APIO O/o Municipal Corporation, Hoshiarpur
on behalf of the PIO.**

ORDER:

(Heard in person/on mobile phone)

1. The RTI application is dated 12.10.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 29.12.2021 and the second appeal was filed in the Commission on 04.02.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 13.06.2022. Accordingly, the case has been heard today. Shri Ankit Sehgal, appellant has not come present to attend the hearing in person before the Bench or through cisco webex
3. Shri Hardeep Kumar, SDO/APIO O/o Municipal Corporation, Hoshiarpur comes present to attend the hearing in person before the Bench on behalf of PIO. He states that in connection with RTI application of the appellant, he was called to the office of Commissioner, Municipal Corporation, Hoshiarpur on 28.01.2022, but he did not turn up and thereafter, the information was sent to him by registered post on 10.02.2022. However, no deficiencies have been pointed out by him yet.
4. The appellant is contacted on mobile phone and is made to talk to the representative of PIO who explains to him the details of information supplied but the appellant denies the receipt of information. On the asking of the Bench, the APIO present in the hearing, states that the information as available in the official records has been supplied to the appellant and nothing beyond that is available.



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AC No.691 of 2022

5. Post deliberations, the notified PIO O/o Municipal Corporation, Hoshiarpur is directed to file an affidavit within 21 (twenty one) days on non-judicial stamp paper duly signed by the PIO and attested by the Notary Public to the effect that the information as available in the official records in AC No.691/2022 has been supplied to the appellant and nothing beyond that is available in the official records. It be further stated that nothing has been concealed therein and the statement made is true and correct. Original affidavit be sent to the appellant and copy of the same be sent to the Commission for record. The Bench also directs that another copy of information supplied be sent by e.mail as well as by registered post to the appellant.
6. With the aforesaid directions, **the instant appeal case is disposed off and closed.** Copies of the order be sent to the concerned parties.

**Chandigarh
13.06.2022**

**Sd/-
(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab**

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Shri Bittu, S/o Shri Om Kumar,
Village: Bolapur, Jhabewal,
P.O:Ramgarh, Distt:Ludhiana.

.....Appellant

Versus

Public Information Officer

O/o Chief Administrator,
GLADA,Ludhiana.

First Appellate Authority

O/o Chief Administrator,
GLADA,Ludhiana.

....Respondents

AC No. 727 of 2022

Present: (i) Shri Jasbir Singh, on behalf of the Appellant.
(ii) Shri Narinderpal Singh, Clerk, O/o GLADA, Ludhiana on behalf of the PIO/respondent.

ORDER

(Heard in person/ through cisco webex)

1. The RTI application is dated 17.03.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 21.10.2021 and the second appeal was filed in the Commission on 04.02.2022 and 17.01.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 13.06.2022. Accordingly, the case has been heard today. Shri Jasbir Singh, comes present in person before the Bench to attend the hearing on behalf of Shri Bittu.
3. Shri Narinderpal Singh, Clerk O/o GLADA comes present to attend the hearing through cisco webex on behalf of the PIO. He states that the information has been supplied to the appellant vide letter dated 04.05.2022.
4. On the asking of the Bench, the representative of the appellant Shri Jasbir Singh confirms the receipt of information by the appellant and gives his consent to close the case.
5. In view of the above, no further cause of action is left in the matter. **The instant appeal case is disposed off and closed.** Copies of the order be sent to the concerned parties.

Sd/-

Chandigarh
13.06.2022

**(Lt Gen Ajae Kumar Sharma (Retd))
State Information Commissioner, Punjab**

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Shri Bhupinder Singh Bedi
Dy. Secretary, State Body
#1-2, Fateh Singh Colony,
Main Bharariwal Road,
Amritsar.

.....Appellant

Versus

Public Information Officer
O/o Director, Personnel,
Punjab State Power
Corporation Ltd.(PSPCL),
Patiala.

First Appellate Authority-cum-
O/o Chief Engiener,HR,
Punjab State Power
Corporation Ltd.(PSPCL),
Patiala.

...Respondents

AC No.706/2022

Present: (i) **Appellant- absent.**
(ii) **Shri Ravinder Singh, Superintendent Gr.-I, Secret Cell, PSPCI, Patiala,
on behalf of the PIO/Respondent, in person.**

ORDER:

1. The RTI application is dated 22.01.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 15.12.2021 and the second appeal was filed in the Commission on 08.03.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 13.06.2022. Accordingly, the case has been heard today. Shri Bhupinder Singh Bedi, appellant has not come present to attend the hearing in person before the Bench or through cisco webex. He has, however, informed through a telephonic message that he is unable to attend the hearing today and that he has not received any information so far.
3. Shri Ravinder Singh, Superintendent Gr.-I, Secret Cell, PSPCL, Patiala comes present in person before the Bench and states that the appellant was called by First Appellate Authority in April, 2021 and he was supplied information on 09.04.2021 by registered post. Then he is apprised of the version of the appellant, upon which, he states that he has also brought along the information for handing over the same to the appellant and produces before the Bench a letter dated 10.06.2022.

Cont..P-2



-2-

AC No.706/2022

4. The Bench peruses the said letter and on the asking of the Bench, the representative of PIO states that nothing beyond the information contained in the letter dated 10.06.2022 is available in the official records. He is directed to send a copy of the same to the appellant by registered post.

5. Post deliberations, the notified PIO O/o PIO-cum-Joint Secretary, Establishment-1, PSPCL, Patiala is directed to file an affidavit within 21 (twenty one) days on non-judicial stamp paper duly signed by the PIO and attested by the Notary Public to the effect that the information as available in the official records in AC No706/2022 has been supplied to the appellant and nothing beyond that is available in the official records. It be further stated that nothing has been concealed therein and the statement made is true and correct. Original affidavit be sent to the appellant and copy of the same be sent to the Commission for record.

6. With the aforesaid directions, **the instant appeal case is disposed off and closed.** Copies of the order be sent to the concerned parties. A copy of the letter dated 10.06.2022 be sent along with the order.

**Chandigarh
13.06.2022**

**Sd/-
(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab**

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Smt. Daljit Kaur
W/o Late Shri Mohinder Singh
R/o Village Sakrali,
Tehsil Nabha, Distt. Patiala
Now R/o Ward No.1,
Near Young Farmers School,
Ram Singh Nau (Bhadson),
Tehsil Nabha, Distt. Patiala.

..... Complainant

Versus

Public Information Officer

O/o Assistant Engineer,
PSPCL, Bhadson, Tehsil Nabha,
District Patiala.

Remanded Back

First Appellate Authority,

O/o Chief Engineer (Central Zone)
PSPCL, Ludhiana.

... Respondents

CC No.70/2022

Present: (i) **Complainant- absent.**
(ii) **Shri Surinder Kumar, SDO, Sub Division, Bhadson and Shri Abhinav Gadkhil, USC, PSPCL, Bhadson, on behalf of the PIO/respondent.**

ORDER

1. The RTI application is dated 16.07.2021 vide which the Complainant has sought information as enumerated in her RTI application. Complaint was filed in the Commission on 04.02.2022 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 13.06.2022. The case has been heard today. Smt. Daljit Kaur, complainant has not come present to attend the hearing either in person before the Bench or through cisco webex.
3. Shri Surinder Kumar, SDO Sub Division, PSCPL, Bhadson, District Patiala comes present to attend the hearing in person before the Bench. He states the complainant has sought information that a Electricity connection was running in her house in the name of one Jasvir Singh which was disconnected and a new electricity connection No.K62BS150438 has been installed. She has asked in whose name this connection has been released and on what basis, the old connection was disconnected and has also sought copies of old bills and other related documents of the old electricity connection. He states that information was supplied to the complainant vide letter dated 13.08.2021.
4. The Bench observes that reply was given to the complainant but being not satisfied, she has filed complaint before the Commission and she has directly approached the Commission by preferring complaint in the Commission. The Bench further observes that the complainant has not availed the provision of Section 19(1) of the RTI Act by filing an appeal with the First Appellate Authority (FAA). As such, the FAA

has not been able to address the grievances of the complainant. The attention of the Complainant is drawn to the decision of the judgment of Hon'ble Supreme Court of India rendered on 12.12.2011 in Information Commissioner and another Versus State of Manipur and another in para 31 whereof, it has been held that while entertaining a complaint case under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information which is as under:-

31. We uphold the said contention and do not find any error in the impugned judgment of the Hon'ble High Court whereby it has been held that the Commissioner while entertaining a complaint under Section 18 of the said Act has no jurisdiction to pass an order providing for access to the information."

As such, since the complainant has approached the Commission under the provisions of Section 18 of the RTI, 2005, no directions for providing further information can be given by the Commission.

5. Since there is an alternative and efficacious remedy of First Appeal available to the Complainant under Section 19(1) of the RTI Act, 2005 which has not been availed in the instant complaint case and the First Appellate Authority has not had the occasion to review the decision of PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

6. The instant matter is remanded back to the **First Appellate Authority i.e. Shri Parvinder Singh Khamba, Chief Engineer, Central Zone, PSPCL, Ludhiana**. The Commission hereby directs the FAA to treat the copy of the Complaint (enclosed herewith) as the First Appeal and decide the matter in accordance with the provisions of the RTI Act after giving all concerned parties an opportunity to be heard. He is directed to hear the complainant within ten days and decide the matter.

7. In case, the complainant is not satisfied with the decision of the First Appellate Authority (FAA), she is at liberty to file second appeal before Punjab State Information Commission Section 19(3) of the RTI Act, 2005.

8. In view of the above, **the case is disposed off and closed**. Copy of the order be sent to the parties.

Chandigarh
13.06.2022

Sd/-
(Lt Gen Ajae Kumar Sharma (Retd))
State Information Commissioner, Punjab

Copy to (By Regd. Post):

**First Appellate Authority, Shri Parvinder Singh Khamba,
Central Zone, PSPCL, Ludhiana.**

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Shri Sushil Kumar,
#1410, Phase-I, Urban Estate,
Dugri Road, Ludhiana-141013.

...Appellant

Versus

Public Information Officer
O/o Chief Engineer, TA & I,
Punjab State Power Corpn. Ltd.,
(PSPCL), Patiala.

First Appellate Authority-cum-
Chief Engineer, TA & I,,
Punjab State Power Corpn. Ltd.,
(PSPCL), Patiala.

....Respondents

AC No.686 of 2022

Present: (i) Appellant- absent.
(ii) Shri Kamaldeep Arora, Addl. S.E. O/o Dy.Chief Engineer, TA(Elect.),
PSPCL, Patiala, in person.

ORDER:

1. The RTI application is dated 13.11.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 15.12.2021 and the second appeal was filed in the Commission on 04.02.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The notice of hearing was issued to the parties for 13.06.2022. Accordingly, the case has been heard today. Shri Sushil Kumar, appellant has not come present to attend the hearing in person or through cisco webex. He has, however, sent an e.mail dated 01.05.2022 and 05.05.2022 stating that till date, he has not received the information sought by him even after a lapse of 150 days. He has also stated therein that in case the sought for information is not available with the PIO, the PIO may be directed to provide an affidavit to this effect to him. He also states therein that the case may not be closed without his consent and in case of not doing so; he will approach the Hon'ble Punjab & Haryana High Court and the President of India.

3. Shri Kamaldeep Arora, Addl. S.E. O/o Dy. Chief Engineer/TA (Elect.), PSPCL, Patiala comes present in person before the Bench to attend the hearing on behalf of the PIO. He produces before the Bench authority letter to attend the hearing. He further states that point wise reply has been sent to the appellant vide letter dated 13.11.2021 and a letter to this effect has also been sent to Hon'ble Commission on 26.04.2022

Cont...P-2



-2-

AC No.686/2022

with a copy to the appellant. He further states that the appellant has asked for information with regard to three complaints, out of which, information sought by the appellant regarding two complaints has been sent to the appellant whereas enquiry into third complaint is still under process and has not been finalised.

4. Post deliberations, the PIO-cum-Deputy Chief Engineer, TA(Electrical), PSPCL, Patiala is directed to file an affidavit on non judicial stamp paper, within 21 (twenty one) days, duly signed by the PIO and attested by the Notary Public to the effect that three complaints were made by the appellant, out of which enquiry report/reply in two number complaints has been sent to the appellant vide letter dated 13.11.2021 by registered post and again vide letter dated 26.04.2022, whereas enquiry into third complaint is still under process and hence, information has not been supplied as the disclosure of proceedings of enquiry will affect the outcome of the enquiry. It be further stated that nothing has been concealed therein and the statement made is true and correct. Appeal Case No. 686/2022 be clearly mentioned at the top of the affidavit. Original affidavit be sent to the appellant and copy of the same be sent to the Commission for record.

5. With the aforesaid directions, **the instant appeal case is disposed off and closed.** Copies of the order be sent to the concerned parties.

**Chandigarh
13.06.2022**

**Sd/-
(Lt Gen Ajae Kumar Sharma(Retd))
State Information Commissioner, Punjab**

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Shri Naresh K. Gupta,
Activist, Whistle Blower,
R/o Chowk No.1, Jaitu,
District Faridkot.

.....Appellant

Versus

Public Information Officer
O/o Sr. Superintendent of Police,
Faridkot.

First Appellate Authority
O/o Sr. Superintendent of Police,
Faridkot.

....Respondents

AC No.213 of 2021

Present: (i) **Shri Naresh K.Gupta, appellant in person.**
(ii) **Shri Devinder Singh, DSP, Jaito, ASI Ramesh Kumar, RTI Cell and
Shri Pawandeep Singh, Senior Constable O/o SSP Faridkot, in person.**

ORDER

1. This order may be read with reference to the order dated 17.05.2022 passed by this Bench on the previous date of hearing.
2. The case has been heard today in Commission's office at Chandigarh. Shri Naresh K.Gupta, appellant, comes present in person before the Bench to attend the hearing.
3. Shri Devinder Singh, DSP, Jaito, ASI Ramesh Kumar, RTI Cell and Shri Pawandeep Singh, Senior Constable, RTI Cell, O/o SSP Faridkot, come present in person before the Bench to attend the hearing on behalf of the PIO. Shri Devinder Singh, DSP Jaito produces before the Bench letter dated 11.06.2022 of the SSP Faridkot authorising him to attend the hearing as also to excuse her absence due to an ongoing important investigation and law and order duty in the District. He also produces before the Bench point-wise reply to RTI application and original affidavit filed by the SSP/PIO.
4. The appellant Shri Naresh K. Gupta, is handed over the original affidavit. He goes through the contents of affidavit and expresses his dis-satisfaction over the reply to RTI application and the affidavit. He also points out that in spite of directions of Hon'ble Bench, the PIO has not come present before the Bench. He further reiterates his version as made during the previous hearing states that the orders of the Bench of the previous hearing have not been complied with by the PIO in its entirety as he has not been supplied information as per his RTI application. He states that as per directions of Hon'ble Bench, he had gone for inspection of records, but he alleges that he was not allowed access to the actual records. He also insists on award of compensation and imposition of penalty on the PIO as per RTI Act stating that the information has been delayed and as per judgment of Hon'ble Supreme Court and Hon'ble High Court, penalty is required to be imposed on the PIO and compensation for his harassment needs to be paid to him. This is mandatory and not discretionary.

Cont..P-2



5. Shri Ramesh Kumar, ASI states that he has brought along the entire record and states that the information has been supplied only after the same was inspected by the appellant and that the appellant was again asked vide letter dated 07.06.2022 to visit the office of PIO to inspect the records so that he could verify information already given. However, the appellant denies to have inspected any records as actual records were not shown.

6. The Bench clarifies to the appellant that a telephonic message was received from the PIO that the SSP/PIO is committed in an ongoing agitation and may be excused, in her place, Shri Devinder Singh, DSP Jaito is being deputed to attend the hearing and as such, the PIO was permitted in this regard. The Bench further directs the representative of PIO to sit in the adjacent court room and show the entire record brought along to the appellant once again. Complying with the directions of the Bench, he shows the appellant the entire record. On the asking of the Bench, the appellant states that the information as asked for by him is not contained in the said records. He also alleges that DSP Jaito had conducted enquiry but the same was required to be done with the permission of Illaqa Magistrate whereas he has not been provided copy of any permission from Illaqa Magistrate. On the asking of the Bench, ASI Ramesh Kumar states that reply has already been given to the appellant and no such permission is available in the records. The appellant further alleges that he has not been given reply to his various reminders.

7. The Bench observes that the point wise reply has been given to the appellant and an affidavit has also been filed. The Bench is convinced with the reply of the PIO as also with the contents of affidavit and observes that the directions of the Bench have been complied with. But the appellant still insists that the directions of the Bench still remain to be complied with. The appellant wants the affidavit to be a detailed one containing response to each point of his RTI application. The Bench observes that the appellant seems to be reluctant in being satisfied with the information supplied, rather the appellant is difficult to be convinced and has gone well beyond seeking the information, in fact, he is treating the appeal case as a judicial hearing. In such a situation, the Bench is not inclined to agree with the contention of the appellant regarding non compliance of the orders of the Bench.

8. The Bench, however, observes that the appellant in attending the hearings time and again has been put to harassment. The appellant has attended several hearings in the Commission in AC No.213/2021 which includes two hearings before the Bench of Ld. SIC Khushwant Singh and four hearings before the undersigned. As such, the Bench feels that it is a just case for the award of compensation and awards a compensation of Rs.5,000/-(Rupees Five thousand only) to the appellant. The compensation amount must be paid by the respondent PIO O/o Senior Superintendent of Police, Faridkot through cheque or demand draft in favour of Shri Naresh Kumar Gupta from the account of the public authority and not from the individual's account. He is also directed to send a photocopy of the cheque or draft to the Commission.

9. With the aforesaid directions, **the instant appeal case is disposed off and closed.** Copies of the order be sent to the concerned parties.

Sd/-

**(Lt Gen Ajae Kumar Sharma (Retd))
State Information Commissioner, Punjab**

**Chandigarh
13.06.2022**

Copy to (By Regd.Post):

- 1) Senior Superintendent of Police, Faridkot.**
- 2) Deputy Registrar, PSIC for ensuring compliance of the order.**

**PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, NEAR ROSE GARDEN,
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Shri Naresh K. Gupta,
Activist, Whistle Blower,
R/o Chowk No.1, Jaitu,
District Faridkot.

.....Appellant

Versus

Public Information Officer
O/o Sr. Superintendent of Police,
Faridkot.

First Appellate Authority
O/o Sr. Superintendent of Police,
Faridkot.

....Respondents

AC No.214 of 2021

Present: (i) **Shri Naresh K.Gupta, appellant in person.**
(ii) **Shri Devinder Singh, DSP, Jaito, ASI Ramesh Kumar, RTI Cell and
Shri Pawandeep Singh, Senior Constable O/o SSP Faridkot, in person.**

ORDER

1. This order may be read with reference to the order dated 17.05.2022 passed by this Bench on the previous date of hearing.
2. The case has been heard today in Commission's office at Chandigarh. Shri Naresh K.Gupta, appellant, comes present in person before the Bench to attend the hearing.
3. Shri Devinder Singh, DSP, Jaito, ASI Ramesh Kumar, RTI Cell and Shri Pawandeep Singh, Senior Constable, RTI Cell, O/o SSP Faridkot, come present in person before the Bench to attend the hearing on behalf of the PIO. Shri Devinder Singh, DSP Jaito produces before the Bench letter dated 11.06.2022 of the SSP Faridkot authorising him to attend the hearing as also to excuse her absence due to an ongoing important investigation and law and order duty in the District. He also produces before the Bench point-wise reply to RTI application and original affidavit filed by the SSP/PIO.
4. The appellant Shri Naresh K. Gupta, is handed over the original affidavit. He goes through the contents of affidavit and expresses his dis-satisfaction over the reply to RTI application and the affidavit. He also points out that in spite of directions of Hon'ble Bench, the PIO has not come present before the Bench. He further reiterates his version as made during the previous hearing states that the orders of the Bench of the previous hearing have not been complied with by the PIO in its entirety as he has not been supplied information as per his RTI application. He states that as per directions of Hon'ble Bench, he had gone for inspection of records, but he alleges that he was not allowed access to the actual records. He also insists on award of compensation and imposition of penalty on the PIO as per RTI Act stating that the information has been delayed and as per judgment of Hon'ble Supreme Court and Hon'ble High Court, penalty is required to be imposed on the PIO and compensation for his harassment needs to be paid to him. This is mandatory and not discretionary. He also states that in this case, the Court had ordered to register case against the SSP, DSP, SHO and ASI concerned and thus, the respondent is making attempts to conceal certain information.



5. Shri Ramesh Kumar, ASI states that he has brought along the entire record and states that the information has been supplied only after the same was inspected by the appellant and that the appellant was again asked vide letter dated 07.06.2022 to visit the office of PIO to inspect the records so that he could verify information already given. However, the appellant denies to have inspected any records as actual records were not shown.

6. The Bench clarifies to the appellant that a telephonic message was received from the PIO that the SSP/PIO is committed in an ongoing agitation and may be excused, in her place, Shri Devinder Singh, DSP Jaito is being deputed to attend the hearing and as such, the PIO was permitted in this regard. The Bench further directs the representative of PIO to sit in the adjacent court room and show the entire record brought along to the appellant once again. Complying with the directions of the Bench, he shows the appellant the entire record. On the asking of the Bench, the appellant states that the information as asked for by him is not contained in the said records. He also alleges that DSP Jaito had conducted enquiry but the same was required to be done with the permission of Illaqa Magistrate whereas he has not been provided copy of any permission from Illaqa Magistrate. On the asking of the Bench, ASI Ramesh Kumar states that reply has already been given to the appellant and no such permission is available in the records. The appellant further alleges that he has not been given reply to his various reminders.

7. The Bench observes that the point wise reply has been given to the appellant and an affidavit has also been filed. The Bench is convinced with the reply of the PIO as also with the contents of affidavit and observes that the directions of the Bench have been complied with. But the appellant still insists that the directions of the Bench still remain to be complied with. The appellant wants the affidavit to be a detailed one containing response to each point of his RTI application. The Bench observes that the appellant seems to be reluctant in being satisfied with the information supplied, rather the appellant is difficult to be convinced and has gone well beyond seeking the information, in fact, he is treating the appeal case as a judicial hearing. In such a situation, the Bench is not inclined to agree with the contention of the appellant regarding non compliance of the orders of the Bench.

8. The Bench, however, observes that the appellant in attending the hearings time and again has been put to harassment. The appellant has attended several hearings in the Commission in AC No.213/2021 which includes two hearings before the Bench of Ld. SIC Khushwant Singh and four hearings before the undersigned. As such, the Bench feels that it is a just case for the award of compensation and awards a compensation of Rs.5,000/-(Rupees Five thousand only) to the appellant. The compensation amount must be paid by the respondent PIO O/o Senior Superintendent of Police, Faridkot through cheque or demand draft in favour of Shri Naresh Kumar Gupta from the account of the public authority and not from the individual's account. He is also directed to send a photocopy of the cheque or draft to the Commission.

9. With the aforesaid directions, **the instant appeal case is disposed off and closed.** Copies of the order be sent to the concerned parties.

**Chandigarh
13.06.2022**

Copy to (By Regd.Post):

- 1) Senior Superintendent of Police, Faridkot.**
- 2) Deputy Registrar, PSIC for ensuring compliance of the order.**

**Sd/-
(Lt Gen Ajae Kumar Sharma (Retd))
State Information Commissioner, Punjab**

**PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, NEAR ROSE GARDEN,
SECTOR 16, CHANDIGARH.**

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Helpline No.0172-2864100(From 10.00 AM to 04.00 PM on working days)



Shri Naresh K. Gupta,
Activist, Whistle Blower,
R/o Chowk No.1, Jaitu,
District Faridkot.

.....Appellant

Versus

Public Information Officer
O/o Sr. Superintendent of Police,
Faridkot.

First Appellate Authority
O/o Sr. Superintendent of Police,
Faridkot.

....Respondents

AC No.215 of 2021

Present: (i) **Shri Naresh K.Gupta, appellant in person.**
(ii) **Shri Devinder Singh, DSP, Jaito, ASI Ramesh Kumar, RTI Cell and
Shri Pawandeep Singh, Senior Constable O/o SSP Faridkot, in person.**

ORDER

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4. The appellant Shri Naresh K. Gupta, is handed over the original affidavit. He goes through the contents of affidavit and expresses his dis-satisfaction over the reply to RTI application and the affidavit. He also points out that in spite of directions of Hon'ble Bench, the PIO has not come present before the Bench. He further reiterates his version as made during the previous hearing states that the orders of the Bench of the previous hearing have not been complied with by the PIO in its entirety as he has not been supplied information as per his RTI application. He states that as per directions of Hon'ble Bench, he had gone for inspection of records, but he alleges that he was not allowed access to the actual records. He also insists on award of compensation and imposition of penalty on the PIO as per RTI Act stating that the information has been delayed and as per judgment of Hon'ble Supreme Court and Hon'ble High Court, penalty is required to be imposed on the PIO and compensation for his harassment needs to be paid to him. This is mandatory and not discretionary. He also states that in this case, the Court had ordered to register case against the SSP, DSP, SHO and ASI concerned and thus, the respondent is making attempts to conceal certain information.



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Shri Naresh K. Gupta,
Activist, Whistle Blower,
R/o Chowk No.1, Jaitu,
District Faridkot.

.....Appellant

Versus

Public Information Officer
O/o Sr. Superintendent of Police,
Faridkot.

First Appellate Authority
O/o Sr. Superintendent of Police,
Faridkot.

....Respondents

AC No.3270 of 2020

Present: (i) **Shri Naresh K.Gupta, appellant in person.**
(ii) **Shri Devinder Singh, DSP, Jaito, ASI Ramesh Kumar, RTI Cell and
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Sd/-

**(Lt Gen Ajae Kumar Sharma (Retd))
State Information Commissioner, Punjab**

Chandigarh

13.06.2022

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