**PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**

**Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com)

**Email:psic22@punjabmail.gov.in**

Sh. Jasbir Singh

S/o Sh. Sant Singh,

V &P.O. Sohana,

Tehsil & Distt. S.A.S Nagar. Appellant

Versus

Public Information Officer,

O/o Senior Superintendent of Police,

S.A.S Nagar

First Appellate Authority

O/o Inspector General of Police,

Zone-1,Patiala. (Punjab) Respondents

**APPEAL CASE NO.3314 /2017**

Date of RTI application : 25.07.2017

Date of First Appeal : 25.10.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 27.11.2017

**Present: Sh. Jasbir Singh, Appellant in person.**

1. **ASI Ravinder Singh, RTI Incharge, SSP Office, Mohali,**
2. **Sh. Sahib Singh, I.O. P.S.: Sohana - for Respondents.**

**ORDER**

The Commission had made the following observations on 10.07.2018:

*“The appellant had sought an information concerning the complaint made against him by one Sh. Sunder Lal. He had sought a copy of the summons (Parvana) sent to him by the concerned police station. HC Sahib Singh appearing on behalf of the respondents says that the information was provided to him and they have enclosed an acknowledgement issued by the appellant as a proof of having received the information.*

*The appellant submits that incomplete information was given to him and he was verbally assured by the respondents to furnish the rest of information as well. The respondent assures the Commission that the residual information as has been pointed out by the appellant shall also be given to him shortly. They should do it promptly.”*

*“The respondents are absent. The appellant says that deficient information has still not been provided to him. Once again they are directed to do the needful before the next date of hearing.”*

*“The case has come up today. The respondents are absent on trot. The Contd…page…2*

*-2-*

***APPEAL CASE NO.3314 /2017***

*Commission takes very strong exception to it. They are required to file a written statement with reference to the grouse of the complainant failing which the Commission shall be constrained to initiate penal proceedings.”*

The case has again come up today. Sh. Sahib Singh, I.O., PS: Sohana says that the appellant was contacted on umpteen occasions to have a look at the record and procure the copy of the documents he is seeking. However, he did not turn up. The appellant says that he was stuck with his personal work in the Hon’ble Punjab & Haryana High Court and could not make it.

The Commission observes that the appellant has been found wanting in his conduct. Earlier he had issued an acknowledgement of receiving the information to his satisfaction and then taking a somersault he denied before the Commission to have it received. He has failed to respond to the solicitations of the respondents in procuring the rest of the information. In the situation he forfeits his right to approach the Commission. Nonetheless, the respondents are directed to afford him an opportunity to have a look at the relevant file and provide a copy of the documents he is seeking.

**Disposed.**

**Sd/-**

**16.08.2018 (Yashvir Mahajan) State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**

**Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com)

**Email:psic22@punjabmail.gov.in**

Sh. Mehar Singh

House No.2064, Sector-68,

S.A.S Nagar. Appellant

Versus

Public Information Officer,

O/o Sub Divisional Magistrate,

S.A.S. Nagar.

First Appellate Authority

O/o Sub Divisional Magistrate,

S.A.S. Nagar Respondents

**APPEAL CASE NO.3301/2017**

Date of RTI application : 07.11.2016

Date of First Appeal : 24.10.2017

Date of Order of FAA : Reply 20.07.2017

Date of 2nd Appeal/complaint :15.11.2017

**Present: Sh. Mehar Singh, Appellant in person.**

**Smt. Jaswant Kaur, Superintendent, SDM Office, Mohali – for Respondents.**

**ORDER**

The following order was made by this forum on 10.07.2018:

*“The appellant is seeking to know the outcome of an enquiry being conducted by SDM, Mohali into a complaint of forgery of a SC certificate to procure a plot reserved for the S.C. Category in some scheme of PUDA.*

*The proxy of the respondents says that the dealing official and the PIO are busy in some urgent administrative affair. He requests for an adjournment. The request is acceded with the condition that no further opportunity shall be afforded. Meanwhile they should provide him the information expeditiously, in any case well before the next date of hearing positively.”*

*“The case has come up today. Smt. Jaswant Kaur, APIO – cum – Superintendent, SDM Office, Mohali, has brought along a copy of the enquiry conducted by the SDM, Mohali, which has been forwarded to the Deputy Commissioner. A copy of the same has been handed over to the appellant on spot.*

*Contd…page…2*

*-2-*

***APPEAL CASE NO.3301/2017***

*The appellant is satisfied about the adequacy of the information. However, he raises serious objections about the undue delay having been taken in providing the information which should have been furnished to him within a period of 30 days only. The respondents, a such, have failed to comply with the express provisions of Section 7(1) of the Act. The PIO is hereby directed to explain the delay and show cause as to why the penalty should not be imposed for the inordinate delay having been taken in providing the information.”*

The case is being taken up today. The Sub Divisional Magistrate, Mohali has submitted his written explanation vide his letter No. 1426 dated 14.08.2018. He has submitted that the original application of the appellant dated 07.11.2016 was responded on 20.07.2017. However, as he was seeking the outcome of the enquiry the same could have been provided to him only after its completion. He has further submitted that there is nothing on record to suggest that he solicited the enquiry report from the respondents. It is only after the order of the Commission that his requirement came to their knowledge and the same has been met with.

The Commission has gone through the facts. It seems that there has been some communication gap. As the issue related with the enquiry report the same could not be provided during the course of its proceedings. Be that as it is, the Commission does not see any malafide on the part of the respondents to withhold the information. The appeal is disposed, however with caution to them to be watchful in future.

**Sd/-**

**16.08.2018 (Yashvir Mahajan) State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

**RED CORSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**

**Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com)

**Email:psic22@punjabmail.gov.in**

Sh. Nishant Rishi,

Chamber No.360,

Lawyer’s Chambers, Yadvindra Complex,

District Courts, Patiala Complainant

Versus

Public Information Officer,

O/o Sub Registrar,

Mini Secretariat, Patiala Respondent

**COMPLAINT CASE NO.411/2018**

Date of RTI application: 05.02.2018

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint: 04.04.2018

**Present: None.**

**ORDER**

Following order was made by this forum on 10.07.2018:

*“The respondent has sent a memo wherein he states that the complainant was asked in writing to procure the information by depositing the requisite fee. So much so he was requested telephonically also to procure the information but he did not turn up despite having been afforded a couple of opportunities. The complainant has not been able to prove the willful default on the part of the respondent to deny him the information.*

*The Commission would like to see the communication sent by the respondents to the complainant as a response to his original application which is not available on record.”*

The case has come up today. The complainant has shown no inclination so far to pursue the matter whereas the respondent pleads that the complainant despite having been approached on umpteen occasions has failed to reach up to procure the information. Thus being the Contd…. Page…2

-2-

**COMPLAINT CASE NO.411/2018**

state the Commission feels that the complainant has failed to prove the malafide on the part of the respondent to withhold the information so as to invite penalty under Section 20(1) of the Act. The Complaint is accordingly **filed.**

**Sd/-**

**16.08.2018 (Yashvir Mahajan) State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**

**Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com)

**Email:psic22@punjabmail.gov.in**

Ms. Ravinder Kaur

D/o Sh. Arjan Singh,

R/o Ward No.5, Backside of Lok Sewa Petrol Pump,

Near Satsang Bhawan, Amloh.

Distt. Fatehgarh Sahib Complainant

Versus

Public Information Officer,

O/o Senior Supdt of Police,

Fatehgarh Sahib. Respondent

**COMPLAINT CASE NO.284/2018**

Date of RTI application : 17.11.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 27.02.2018

**Present: None on behalf of the Complainant.**

**ASI Ranjit Singh, In charge RTI, O/o SSP, Fatehgarh Sahib – for Respondents.**

**ORDER**

The following order was made on 12.07.2018:

*“The respondent has filed a written statement a copy of which has been handed over to the complainant on spot. She intends to file a written rejoinder to the submission made by the respondent which may be done early with an advance copy to the respondent.”*

*“The appellant has submitted a rebuttal to the contentions of the respondents in writing, a copy of which has been handed over on spot to Insp. Kuljit Singh, SHO, Amoh. The respondent says that the available record with them has already been delivered to the appellant. However, the appellant insists on the copy of an agreement arrived between her and one   
Sh. Sukhchalha Sukhjinder Singh following a ruckus created by him. The respondents shall file a reply in the shape of an affidavit deposing their submissions about the non-availability of the record.”*

*“As directed the respondents have brought along their reply with an affidavit. The respondents have delivered a copy of the same to the appellant as well. She intends to refute its contents and seeks an adjournment. The request is acceded.”*

The case has come up today. The complainant is neither present nor she has submitted anything in writing to refute the contention made by the respondent as reproduced hereto before. The Commission feels that the available information has been given. No malafide on the part of the respondent to withhold the information has been established.  **Disposed.**

**Sd/-**

**16.08.2018** **(Yashvir Mahajan)**

**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**

**Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com)

**Email:psic22@punjabmail.gov.in**

Sh. Amit Kapoor

S/o Sh. Shakti Kapoor,

#464/12, Street Nain Sukh, Katra Parja

I/S Hathi Gate, Amritsar. Appellant

Versus

Public Information Officer,

O/o Chief Executive Officer,

Punjab Wakf Board,

SCO No.1062-63, Sector 22-B,

Chandigarh

First Appellate Authority

O/o Chairman,

Punjab Wakf Board,

SCO No.1062-63, Sector -22-B,

Chandigarh Respondents

**APPEAL CASE No.279/2018**

Date of RTI application : 16.10.2017

Date of First Appeal : 16.11.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :08.01.2018

**Present: Sh. Amit Kapoor, Appellant in person.**

**Sh. Narender Kumar, Clerk, Punjab Wakf Board, Sec. 22, Chandigarh – for Respondents.**

**ORDER**

The appellant had sought to know the status of a Wakf Board property vide his application dated 16.10.2017. Having failed to procure it the appellant has been constrained to approach the Commission. Sh. Narender Kamar, Clerk appearing on behalf of the respondents has brought along the information today in the Court itself which has been handed over on spot to the appellant. He has gone through the same and seems satisfied.

It transpires that a part of the property in question is in illegal occupation of some residents in Amritsar. The appellant is seeking direction from this forum to get it evicted from the encroachers. No such power vests in this forum to pass any direction. Nonetheless, the Commission observes that once it comes to the knowledge of the Public Authority as well as the statutory body like Contd…page…2

-2-

**APPEAL CASE No.279/2018**

State Information Commission it is incumbent on the part of the Public Authority to take requisite action to get the illegal occupation evicted. While disposing of the appeal the Commission hopes that the Public Authority shall take appropriate action.

**Disposed.**

**Sd/-**

**16.08.2018** **(Yashvir Mahajan)**

**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**

**Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com)

**Email:psic22@punjabmail.gov.in**

Sh. Rajesh Kumar, Chief Editor,

RTI Activist,

C/o 2253/1, Pipli Wala Town, Manimajra

Chandigarh Appellant

Versus

Public Information Officer,

O/o Sub Divisional Magistrate,

Dera Bassi,

Distt. S.A.S.Nagar

First Appellate Authority

O/o Sub Divisional Magistrate,

Dera Bassi

Distt. S.A.S. Nagar Respondents

**APPEAL CASE NO.216/2018**

Date of RTI application : 29.06.2017

Date of First Appeal : 30.07.2017

Date of Order of FAA : Reply 05.08.2017

Date of 2nd Appeal/complaint : Recd. in Commission on 03.01.18

**Present: Sh. Rajesh Kumar - Appellant.**

**Sh. Ravinder Kumar, PIO, O/o SDM, Dera Bassi – for Respondents.**

**ORDER**

The following order was made by this forum on 12.07.2018:

*“Sh. Arshdeep Singh, Asstt. Environment Engineer, Pb. Pollution Control Board, Mohali, is present. He says that available information has been provided to him. The appellant was asked to react on the same and communicate in writing in case of any infirmity or deficiency. Having failed to do so the Commission is inclined to believe that the available information has been given and the appeal qua Punjab Pollution Control Board is disposed. Similarly, the information available with the local Police has also been transmitted. The appellant says that the same stands uncertified. The respondents in the department of Police are directed to testify it and redeliver to him. The respondents who have been impleaded under Section 6(3) by SDM, Dera Bassi, should also file their reply besides providing the information available with them.”*

The case has come up today. The proxy for the PIO in the office of Sub Divisional Magistrate, Dera Bassi, states that the available information with their office as well as others to whom they have forwarded the application which was available in material form has already been provided to him. However, the rest of the information primarily deals with questions or does not lie with them in Contd…page…2

-2-

**APPEAL CASE NO.216/2018**

any consolidated form. Besides, it is too vague and all encompassing which either is not available or if at all exists it can only be collected and collated at the cost of disruption of the normal functioning of the office. The Commission finds that the information probably accrues from some ill-will or malice against a person rather than the public interest. To quote he seeks a copy of the nomination filed by one Sh. Ajaib Singh without specifying the election to which the related information is sought. Similarly, he is seeking the details of the complaints filed against him by various persons with various authorities without being specific.

The Commission cannot help him in procuring such a generalized and unspecific information. We cannot encourage such a fishing attempt. The Commission feels that the sufficient information by the Punjab Police, SDM Office as well as Punjab Pollution Control Board has been given to him relating to his application and no more intervention of the Commission is called for.

**Disposed.**

**Sd/-**

**16.08.2018** **(Yashvir Mahajan)**

**State Information Commissioner**

**CC: The Sub Division Magistrate, Dera Bassi.**

**Cc: Deputy Superintendent of Police, Dera Bassi, Distt. Mohali.**

**PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**

**Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com)

**Email:psic22@punjabmail.gov.in**

Sh. Jatinder Singh

C/o 2253/1, Pipli Wala Town

Manimajra (Chandigarh) Appellant

Versus

Public Information Officer,

O/o Sub Divisional Magistrate,

Dera Bassi,

Distt. S.A.S.Nagar

First Appellate Authority

O/o Sub Divisional Magistrate,

Dera Bassi

Distt. S.A.S. Nagar Respondents

**APPEAL CASE NO.217/2018**

Date of RTI application : 14.07.2017

Date of First Appeal : 01.09.2017

Date of Order of FAA : Reply 01.09.2017

Date of 2nd Appeal/complaint :03.01.2018

**Present: Sh. Rajesh Kumar on behalf of Sh. Jatinder Singh, Appellant.**

**Sh. Ravinder Kumar, PIO, O/o SDM, Dera Bassi – for Respondents.**

**ORDER**

The following order was passed on 12.07.2018:

*“Sh. Rajiv Kumar appearing on behalf of the respondents has submitted a written reply which has been taken on record. It has been contended that the information with regard to Point   
No. 1 is available with the Tehsil Office, Dera Bassi who has been asked to deal with the same. As far as the Point Nos. 2 to 14 of the original application are concerned they relate to the commercial confidence of a private organization. More so it is not available with them.*

*A reply from the Tehsildar, Dera Bassi has also been received. It has been stated that the certified copies of the registered sale deeds can be procured on payment of prescribed fee from the service centre established by the government in each Sub Division. The appellant according to them has been suitably informed.*

*As the appellant is absent an opportunity is afforded to him to react to the submissions made by the Respondents.”*

*Contd…page…2*

*-2-*

**APPEAL CASE NO.217/2018**

*“The appellant has failed to submit rebuttal of the observations made by the respondents. He seeks another opportunity. The request is accepted.”*

The case has again come up today. The respondents reiterate that the information relates to ‘personal information’ of a third party which has no relation to the public interest or activity. The appellant has failed to come up with any plausible reason which should impel the Commission to allow the revelation of the information thus sought for. Any larger public interest should atleast has been suggested so as to necessitate the procurement of such an information. Thus being not the case the Commission is not inclined to interfere into the issue. The matter is **disposed.**

**Sd/-**

**16.08.2018** **(Yashvir Mahajan)**

**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

**RED CORSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**

**Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com)

**Email-psic22@punjabmail.gov.in**

Sh. Harnek Singh Bharhi,

H.E 155, Phase 1,

S.A.S Nagar Complainant

Versus

Public Information Officer – cum -

Sub Divisional Magistrate, Khamanon,

Distt. Fatehgarh Sahib, Respondent

**COMPLAINT CASE NO.318/2018**

Date of RTI application: 01.11.2017

Date of First Appeal : Nil

Date of Order of FAA: 28.12.2017

Date of 2nd Appeal/complaint 09.01.2018

**Present: Sh. Harnek Singh Bharhi, Complainant in person.**

**Sh. Rajesh Kumar, Superintendent, SDM Office, Fatehgarh Sahib – for Respondent.**

**ORDER**

The following order was made by this forum on 17.07.2018:

*“Heard.*

*The information sought is very simple. The complainant is only asking the details of the shamlat land acquired and the compensation dispensed by the respondents to the respective panchayats for the expansion of the road – NH 95 by the National Highway Authority of India.*

*The plea taken by the respondent is that the information has been sought in a format in which it is not being maintained and cannot be provided. their stance is not acceptable. The Commission understands that this is an important information and its volume shall not disproportionately divert their resources. Section 7(9) of the Act enjoins upon the Public Authority to provide the information in the form it has been asked unless its provision disproportionately diverts their resources or it shall be detrimental to the safety of the record. This is not the case. Their defence is rejected. They are directed to provide the information as asked for forthwith under intimation to the Commission for the expansion of the road - NH 95 by the National Highway Authority of India along with the compensation granted to the rightful claimants in the jurisdiction of the respondent. The plea taken by the respondent is that the information in the form asked for cannot be provided. Their stance is not acceptable. The Commission understands that this is an important information and is not in volume that it should disproportionately divert their resources. contd…page…2*

*-2-*

***COMPLAINT CASE NO.318/2018***

*Section 7 (9) of the Act enjoins upon the Public Authority to provide the information in a form to the extent possible until or unless it results in diversion of their resources disproportionately or impairs its safety. This is not the case. Their defence is rejected. They are directed to provide the information forthwith under intimation to the Commission.”*

*“An express direction was given to the respondent to intimate to the complainant about the details of the panchayat land having been acquired for the expansion of the National Highway along with the compensation involved. The respondent in a written communication has denied the acquisition of any land of the aforesaid nature in their jurisdiction. The complainant reiterates that the panchayat land of village Jattana Ucha, Jattana Niwan and other villages has been acquired. The contentions made by the parties are at variance with each other. The truth has to be ascertained. The Land Acquisition Collector is hereby directed to bring along the original record relating to the issue of notification under Section 4 and 6 of the Land Acquisition Act along with the Award announced by him. Be it noted that any laxity shall entail serious consequences.”*

*“The case has come up today. Sh. Rajesh Kumar, Superintendent of the office of SDM, Fatehgarh Sahib, reiterates that according to the report of the Tehsildar no land within the jurisdiction of Tehsil of Khamanon has been acquired for the expansion of the National Highway. The complainant, on the other hand, insists that the same has been acquired and the compensation against the same has been paid in the villages already mentioned above. The respondents are once again directed to look into the record and file a fresh report on the same.”*

The case has come up today. Sh. Rajesh Kumar, Superintendent in the office of the SDM, Fatehgarh Sahib, has brought along the details of the land owned by the Panchayats along with the compensation paid to them which have been handed over on spot to the complainant. The Commission feels that sufficient information has been given. The complainant is also satisfied with the same. No further action seems called for. The Complaint is **disposed.**

**Sd/-**

**16.08.2018 (Yashvir Mahajan)**

**State Information Commissioner**

**CC: The Sub Divisional Magistrate, Fatehgarh Sahib.**

**PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**

**Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com)

**Email:psic22@punjabmail.gov.in**

Sh. Manjit Singh,

S/o Sh. Gurtej Singh,

Village Chauke, Tehsil Phul,

District Bathinda Appellant

Versus

Public Information Officer,

O/o Senior Superintendent of Police,

District S.A.S Nagar

First Appellant Authority,

O/o Senior Superintendent of Police,

District S.A.S Nagar Respondents

**APPEAL CASE NO.1196/2018**

Date of RTI application: 28.11.2017

Date of First Appeal : 29.12.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint: 02.02.2018

**Present: Sh. Manjit Singh, Appellant along with others.**

**Constable Naresh Kumar, PS: Phase 8, Mohali – for Respondents.**

**ORDER**

The following order was made by this forum on 17.07.2018:

*“The appellant along with others are seeking documents connected with the investigations having been conducted into an FIR No.33 dated 13.03.2014 registered in the Police Station, Phase – 8, Mohali wherein some irregularities and malpractices have been alleged in the recruitment of Physical Instructors way back in the year 2012.*

*ASI Bhupinder Singh appearing on behalf of the respondents has submitted a reply wherein a plea has been taken that all the documents have been submitted with the challan filed before the Judicial Magistrate. The respondents are required to file an affidavit to the effect that no document concerning the application is available with them. In the situation they shall forward the original application to the concerned Judicial Authority under Section 6(3) of the Act for appropriate decision.”*

*“The case has come up today. The Commission observes with anguish that the directions of the Commission are being contemptuously ignored by the PIO in the office of the Sr. Superintendent of Police, Mohali. The Commission considers it as an attempt to demean the authority of the statutory body by habitually ignoring its directions and willfully denying the information in violation of provisions of Section (7) (1) of the RTI Act.*

*Sh. Kuldeep Singh Chahal, IPS, PIO– cum -Sr. Superintendent of Police, Mohali, is Contd….page…2*

*-2-*

***APPEAL CASE NO.1196/2018***

*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 maximum of Rs.25,000/- 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 and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.*

*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 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.”*

The case has come up today. An affidavit has been filed by Sh. Kuldeep Singh Chahal, Sr. Superintendent of Police, Mohali, to the effect that all the documents connected with the investigation into the FIR registered under No.33 dated 13.03.2014 stand filed with the jurisdictional Criminal Court and no information has been withheld by them while disposing of the original application filed in this case. The Commission has no reason to differ with the statement made on oath and the show cause notice issued is thus discharged. Meanwhile the appellant is advised to approach the PIO of the office of the concerned Court by filing a fresh application. **Disposed.**

**Sd/-**

**16.08.2018 (Yashvir Mahajan)**

**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

**RED CORSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**

**Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com)

**Email:psic22@punjabmail.gov.in**

Sh. Harjeet Singh Kochhar

R/o Kothi No. 484, Phase 9

S.A.S Nagar, Punjab Appellant

Versus

Public Information Officer

O/o Senior Superintendent of Police

District Administrative Complex, Sector 76,

S.A.S Nagar, Punjab

First Appellate Authority

O/o Inspector General of Police

Zone 1, Patiala, Punjab Respondents

**APPEAL CASE NO.952/2018**

Date of RTI application: 21.11.2017

Date of First Appeal : 29.12.2017

Date of Order of FAA: Reply 18.01.2018

Date of 2nd Appeal/complaint 14.03.2018

**Present: Sh. Harjeet Singh Kochhar, Appellant in person.**

1. **ASI Ravinder Singh, RTI Incharge, O/o SSP, Mohali,**
2. **ASI Jatinder Kumar, PS: Phase 11, Mohali – for Respondents.**

**ORDER**

The appellant had sought a copy of the statements of the complainants and the witnesses recorded in the course of investigation and connected information pertaining to an FIR No. 31/2015, P.S. Phase 11, Mohali.

The respondents have filed a written reply in which it has been stated that the issue involves an alleged scuffle between the appellant and his wife with his younger brother and family consequent upon which an FIR No. 31 under Section 323, 452, 354, 427 etc. has been registered. They have further taken the plea that the revelation of the information concerning the investigation into the issue shall impede its progress. They have sought exemption under clause ‘H’ of Section 8(1) of the Act. Contd…page…2

-2-

**APPEAL CASE NO.952/2018**

The appellant while reacting to the above submissions of the respondents says that the FIR has been registered on a false story concocted by his brother. He is a handicapped person and the denial of information shall impact the findings in another case of cheating and forgery against his brother which is under trial with the Judicial Magistrate in Chandigarh.

Without adverting on the merits of the investigation pending with Police and decision of the case in the Court, the Commission finds that there is merit in the submissions of the respondents that divulgence of the information at this juncture can hamper/impede the progress of investigation. The appellant has not been able to come up with any valid reason to ignore the above provision to serve larger public interest. Obviously, it is a family dispute in which the invocation of the proviso of Section 8 of larger public interest cannot be invoked. The appeal is **disposed** accordingly.

**Sd/-**

**16.08.2018 (Yashvir Mahajan)**

**State Information Commissioner**