

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
Email:psic22@punjabmail.gov.in



Sh. Iqbal Singh Rasulpur,
Vill. Rasulpur, Tehsil Jagraon,
District-Ludhiana.

Appellant

Versus

Public Information Officer
O/o Home Affairs & Justice Department,
Punjab, Chandigarh.

First Appellate Authority,
O/o Secretary to the Govt. of Punjab,
Deptt. Of Home Affairs & Justice, Pb.
Punjab Civil Sectt.-1, Chandigarh.

Respondents

Appeal Case No.2546/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
18.01.2019	Nil	11.03.2019	Nil	15.07.2019

Present: Appellant- None;
Respondents- Sh. Ranjiv Sharma, Senior Assistant.

ORDER

The following order was passed on 12.09.2019:-

“The appellant is absent. Sh. Ranjiv Sharma, Senior Assistant, appearing on behalf of respondents, says that they have looked for the notification and shall arrange to send it quickly”.

Shri Rajiv Sharma, Senior Assistant produces a copy of the memo dated 14.10.2019 where along the sought for information has been sent to the appellant. The Commission has seen it and finds it apparently in order. From the absence of the appellant, the Commission presumes that the information has reached the appellant. No further intervention is called for. The appeal is **disposed.**

17.10.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**



Sh. Hardial Singh,
S/o Sh. Sher Singh,
R/o VPO Dhablan,
Tehsil & Distt. Patiala.

Appellant

Versus

Public Information Officer,
O/o District Development and Panchayat Officer,
Patiala.

First Appellate Authority,
O/o District Development & Panchayat Officer,
Patiala.

Respondents

Appeal Case No.1248/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
26.11.2018	Nil	25.01.2019	Nil	02.04.2019

Present:
Appellant- Sh. Hardial Singh.
Respondents- Sh. Buta Singh, Panchayat Secretary,
O/o DDPO Patiala

Order

The respondent represented by Shri Buta Singh, Panchayat Secretary submits that further information with reference to the objections raised by the appellant has also been dispatched to the appellant. It has been posted a couple of days ago only. It should be in transit. The appellant may like to go through it and further comment, in case, he still finds it deficient.

Since there has been inordinate delay in supplying the information, PIO is hereby desired to explain as to why penal action should not be initiated.

The undersigned's Bench shall be demitting its office soon, the file is sent to the Deputy Registrar for its allocation to another Bench to clinch the matter.

17.10.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner

CC: Deputy Registrar.

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Sh. Jagraj Singh Chahal,
S/o Sh. Daljit Singh,
R/o Patti Usang,
VPO-Kokri Kalan, Moga.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Moga-I.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Moga.

Respondents

Appeal Case No.1982/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
30.01.2019	Nil	15.03.2019	Nil	20.05.2019

Present: Appellant- None.
Respondents- None.

ORDER

The appellant has telephonically requested for adjourning the matter as he is to attend "Bhog" on the death of his relative. His request is acceded to.

The matter shall be heard on **28.11.2019 at 11.30 AM in the office of the Commission at Chandigarh.**

17.10.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner



By Registered Post

Sh. Lucas Bhatti,
C/o Adv. Neha Dewan,
House No. 2140, Sector-21C,
Second Floor, Chandigarh.

Appellant

Versus

Public Information Officer,
O/o Municipal Council,
Zirakpur, Mohali.

First Appellate Authority,
O/o Regional Deputy Director,
Local Government, Patiala.

Respondents

Appeal Case No.1944/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
30.07.2018	Nil	19.09.2018	19.12.2018	29.05.2019

Present: **Appellant- Adv. Neha Dewan, Counsel.**
 Respondents- Sh. Lakhveer Singh, Building Inspector.

ORDER

The following order passed on 11.09.2019:-

“The appellant had filed requisitions for information with regard to the various sanctions issued by the respondents to the one M/s Opera Infratech and Developers, Village Kishanpura and M/s Chandigarh Colonizers Pvt. Ltd., Village Kishanpura, some allied information relating to the regularization of the aforesaid projects has also been sought. The chronology of events of filing the application and appeals figure below in the head note. It shall be seen that the original application was filed on 30.07.2018. The First Appellate Authority had directed the PIO to provide the appellant the requisite information forth with.

The second appeal has come up for hearing today before the Commission. Sh. Lakhvir Singh, Building Inspector, with the respondents and appearing on behalf of the PIO, has submitted a copy of a memo sent to the appellant. The appellant denies its receipt. It is observed that it has been sent across only a couple of days back. Probably, it should be in transit. They have brought along a copy of it, which has been handed over on spot to the

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-2-

Appeal Case No.1944/2019

appellant. The appellant may like to go through it and revert to the Commission about their observations, if any. There is delay of one year; the PIO has rendered himself liable for penalty.

The PIO, Sh. Girish Verma, Executive Officer, who had been the incumbent during the period of the fault, is hereby 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 Complainant 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”.

Shri Lakhveer Singh, Building Inspector is present. He submits that the information has been provided. The Commission is not inclined to accept his plea. The basic document the layout plan and other documents which are vital to the sanction of the project have been stated to be not

Cont..3



-3-

Appeal Case No.1944/2019

available on file. .Such stance cannot be accepted. The Commission presumes that the documents are being withheld with mala fide intention as serious irregularities allegedly have been committed in the case. Final opportunity is afforded to the PIO who is the current incumbent, to provide the information sought for, failing which, penal consequences shall follow.

To come up on **28.11.2019 at 11.30 AM.**

17.10.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

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Sh. Mohinder Singh,
S/o Sh. Channan Singh
H.No.69, Ward No.5, Nanakpura,
Near IIT, Ropar, Distt. Ropar.

Complainant

Versus

Public Information Officer,
O/o Block Development & Panchayat Officer,
Roopnagar.

Respondents

Complaint Case No.602/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
24.07.2018	Nil	07.01.2019	Nil	03.07.2019

Present: Complainant- Sh. Mohinder Singh.
Respondent- Sh. Amrik Singh, SPEO.

ORDER

The following order was passed on 10.09.2019:-

“The complainant is seeking the status of the action having been taken by the respondent on the directions given by the Sub Divisional Magistrate to them vide his letter no. 1022 dated 19.11.2017. It is understood that having enquired into the matter, the SDM has desired the respondents to construct a channel in the street to drain out the waste water of the Village-Nanakpura. The respondents are directed to apprise him about the action having been taken and the status of the aforesaid issue”.

Shri Surinder Singh, Panchayat Officer states that the BDPO has just assumed the office on the transfer of his predecessor. He has assured that the issue of the compliance shall be addressed early by undertaking the work in hand. The Commission hopes that the respondents shall take requisite action at the earliest to ameliorate the grievance of the complainant.

To come up on **28.11.2019 at 11.30 AM.**

17.10.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner

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Avtar Singh Sekhon
S/o Sh.Ajait Singh
R/o Village Malakpur Bet,
Tehsil & Distt., Ludhiana.
Appellant

Versus

Public Information Officer-cum-
Addl. Dy. Commissioner of Police(HQ)
Ludhiana.

Respondents

Complaint Case No.738/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
16.08.2019	Nil	---	Nil	22.08.2019

Present: Complainant- Sh. Avtar Singh.
Respondent- Sh. Pawandeep Singh, SI, I/c RTI Cell.

ORDER

The complainant, in fact, has filed a complaint with the Police against someone who allegedly had presented a forged affidavit on his behalf alluding the receipt of payment of about Rs.12.00 lacs by him. The respondents say that the appellant has made a couple of complaints which are under investigation of Assistant Commissioner of Police (HQ). The respondents say that the revelation of the information at this juncture shall adversely impact the outcome of their findings. Seeking exemption under Section 8(1)(h) of the RTI Act, the complainant has been denied the information. The Commission is not inclined to accept the plea unless they come up with specific explanation of their defence. The respondents are directed to allow the complainant access to the documents which they intend to rely upon for the successful completion of the enquiry so that he can file a counter reply, if any.

To come up on **28.11.2019 at 11.30 AM.**

17.10.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner

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Sh. Sukhwinder Rattan,
H.No.214/107,Krishna Street,
Doraha, District Ludhiana.

Complainant

Versus

Public Information Officer,
O/o Municipal Council,
Kurali, District Mohali.

Respondent

Complaint Case Nos.621&622/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
24.05.2019, 29.05.2019	Nil	Nil	Nil	18.07.2019

Present: Complainant- Sh. Sukhwinder Rattan;
Respondent- None.

ORDER

None is present on behalf of respondents. Nothing has been heard from them. The respondents are again directed to comply with the instructions passed in orders on 12.09.2019.

To come up on **14.11.2019 at 11.30 AM.**

17.10.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

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Sh. Sher Singh S/o Sh.Babu Ram
R/o Village Jainti Majri
Tehsil Kharar, District Mohali.

Complainant

Versus

Public Information Officer,
O/o Tehsildar, Kharar,
Distt. Mohali.

Respondent

Complaint Case No.237 & 238/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
15.01.2019	Nil	Nil	Nil	11.03.2019

Present: Complainant- Sh. Sher Singh.
Respondent- Sh. Mandeep Singh, Tehsildar, Kharar

ORDER

The following order was passed on 06.08.2019:-

02.05.2019

"Since the Appellant and the Respondent in both the above appeals is the same, these shall be disposed by a single order.

The Complainant has sought a copy each of Mutation No.9889 and 26370 sanctioning the transfer of land situated in Village Karoran, Tehsil Kharar, District Mohali following a compromise arrived between the interested parties.

The respondents are absent. The Commission takes serious note as the Respondents have neither given any reply to the notice of the Commission nor have arranged to provide information to the Complainant. The respondents are advised to do the needful forthwith, failing which, penal consequences shall follow".

20.06.2019

The case has come up today. The respondents have neither filed reply to the complaint nor have complied with the order reproduced above. Apparently, the Tehsildar, Kharar has rendered himself liable for imposition of penalty. He is hereby desired to show cause as to why penalty be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the complainant.

In addition to the written reply, the PIO is also given an opportunity under Section 20

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Complaint Case No.237 & 238 /2019

(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 a 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.

06.08.2019

The issue is taken up today. Shri Harmesh Kumar O/o Tehsildar, Kharar has brought along a copy of the mutation No.26370 which has been sanctioned on the basis of registered sale deed. Certified copy has been handed over to the complainant on spot. The Commission takes a strong view of the fact that despite show cause notice having been issued to the Tehsildar, he has not bothered to take due cognizance of the orders of Commission. Copy of the compromise deed on the basis of which mutation No.9889 was sanctioned has still not been provided to the complainant. He is directed to do the same without further delay. Meanwhile, he shall submit his explanation in writing on the show cause notice already issued to him. The Commission would like to stress that no further opportunity shall be afforded and the penal consequences shall be imposed on the basis of facts on record.”

The case has come up today. Sh. Mandeep Singh, Tehsildar, Kharar, himself is present. He has filed an affidavit in which he has stated that the available documents have been provided to the information seeker. He further submits that the agreement in contention was unregistered and they have not been able to trace it from their office record despite their best efforts. The Commission is inclined to accept his submissions and does not find any malafide intent on the part of the respondents. The available information has been provided. No further action seems to be called for.

Disposed.

17.10.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

