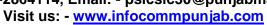
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Sh Bachan Lal, S-20/219, Khanpur Chowk, (Near Ice Factory), Pathankot.

... Complainant

Public Information Officer, O/o PSPCL.

The Mall, Patiala.

...Respondent

Complaint Case No. 869 of 2019

PRESENT: Sh.Bachan Lal as the Complainant

None for the Respondent

ORDER:

The complainant through RTI application dated 31.12.2018 has sought information regarding location of channels and distance from wall of a kothi which is 90' away from the ain street and other information concerning the office of PSPCL Patiala The complainant was not provided the information after which the complainant filed a complaint in the Commission on 27.09.2019.

Versus

The complainant claims that the PIO has not provided the information. From the record, it is not clear that what information the complainant exactly requires. After hearing the complainant, the Commission observes that the complainant is seeking the criteria which the department uses while putting up poles especially distance from boundary wall and pole to pole distance.

Since in this particular case, the complainant has come to the Commission without going to the First appellate Authority, I hereby remand back this case to the First Appellate Authority with the direction to consider and dispose off the appeal within 30days from the receipt of this order.

However, there has been an enormous delay of more than one year in handling the RTI application. The Commission has received a letter from Nodal Officer/RTI Cell, PSPCL Patiala whereby they have asked the PIO-cum-Deputy Chief Engineer/Operation Div, PSPCL Gurdaspur to provide the information and attend the hearing.

The PIO-cum- Deputy Chief Engineer/Operation Div, PSPCL Gurdaspur is absent. The Commission has taken a serious note of this and hereby directs the PIO-cum-Dy Chief Engineer, Operational Division, PSPCL Gurdaspur 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.** He/she should file an affidavit in this regard. If there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

To come up for further hearing on 20.04.2020 at 11.00 AM.

Chandigarh
Dated 18.02.2020

Sd/-(Khushwant Singh) State Information Commissioner

CC to 1. PIO-cum- Deputy Chief Engineer
Operation Div. PSPCL Gurdaspur

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Sh Vipan Grover, Fatehgarh Panitoor (Moga).

... Complainant

Versus

Public Information Officer, O/o DSP, (Investigation), Moga.

...Respondent

Complaint Case No. 879 of 2019

PRESENT: None for the Complainant

Sh.Nek Singh,HC O/o SSP Moga for the Respondent

ORDER:

The complainant through RTI application dated 24.06.2019 has sought information regarding name and department of the officer/official who filed complaint dated 07.01.2019 against the complainant alongwith copy of complaint and other information concerning the office of DSP (Investigation) Moga. The complainant was not provided the information after which the complainant filed a complaint in the Commission on 01.10.2019.

The respondent present pleaded that the information has been supplied to the complainant through his brother. The respondent has submitted an acknowledgement of having received the information. The complainant is absent and vide letter received in the Commission on 06.02.2020 has sent his observations.

The Commission observes that the complainant has come to the Commission without going to the First Appellate Authority. The information has been provided. The appellant is not satisfied. The case is remanded back to the First Appellate Authority with the directions to consider and dispose off the appeal within 30 days from the receipt of this order.

The complainant is free to come to the Commission again if he is not satisfied with the order of the First appellate Authority.

With the above observations and order, the case is disposed off and closed.

Chandigarh
Dated 18.02.2020

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Sh Bhagwant Singh, S/o Sh Sukhdev Singh, R/o village Ageta, Tehsil Nabha, Distt Patiala.

... Complainant

Versus

Public Information Officer, O/o Chairman, PSPCL, The Mall, Patiala.

...Respondent

Complaint Case No. 898 of 2019 and 910 of 2019

PRESENT: Sh.Bhagwant Singh as the Complainant

Sh.Jaswinder Singh, Sr.Xen(Enforcement) PSPCL Patiala for the

Respondent

ORDER:

The complainant through RTI application dated 25.07.2019 has sought information regarding action taken on complaints dated 15.06.2019 filed against Partap Singh and Bhagat Singh and other information concerning the office of Chairman, PSPCL, The Mall, Patiala. The complainant was not provided the information after which the complainant filed a complaint in the Commission on 07.10.2019.

The respondent present in CC-898/2019 pleaded that since the enquiry is pending and the information will be provided after the enquiry is completed. The Commission has also received letter on 10.2.2020 from the PIO-cum-Dy Chief Engineer/Enforcement, PSPCL Patiala stating that the enquiry is pending and the reply has been sent to the complainant vide letter dated 02.08.2019.

The commission observes that the complainant has also filed another complaint case No.910/2019 for seeking exactly the same information from the office of SDO(Rural)PSPCL Nabha which has come up for hearing today. In this case, the Assistant Executive Engineer, Sub-Division(Rural) Nabha vide letter received in the Commission on 17.02.2020 has stated that the enquiry in this case is being conducted by Dy Superintending Engineer, Enforcement, PSPCL Patiala and has sent copies of the correspondence done with them to the Commission.

The complainant has highlighted that there is an ambiguity in the information that has been provided since in the document provided by the PIO in an earlier RTI application on 24.07.2017, it is stated that the account No.AP02/744 is in the name of Partap Singh s/o Bhag Singh. However, the reply submitted to the Commission by the AEE Nabha, it is stated that the account which was held in the name of Sh.Partap Singh s/o Sh.Bhag Singh has been transferred on 28.09.2006 vide new PDCO No.26/73152 in the name of Sh.Bhagat Singh s/o Sh.Kehar Singh with new account No.AP02/757.

Complaint Case No. 898 of 2019 and 910 of 2019

Since the ambiguity pointed out by the complainant is justified, I hereby mark this to the Chief Engineer, Enforcement, PSPCL Patiala to look into the matter and ensure that the correct information is provided again and if there is any fraud, to conduct an enquiry and send enquiry report to the Commission.

Further since the information sought in CC-898/2019 is the same as sought in the CC No.910 of 2019, both the cases are clubbed together and the Chief Engineer, Enforcement, PSPCL Patiala is directed to provide complete status on the matter.

To come up for further hearing on 20.04.2020 at 11.00 AM.

Chandigarh Dated 18.02.2020 Sd/(Khushwant Singh)
State Information Commissioner

CC to :1. Chief Engineer, Enforcement, PSPCL, Patiala.

2. PIO-SDO(Rural), PSPCL Nabha

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Sh Bachan Singh, S/o Sh kartar Singh, VPO Jhandi, Distt Patiala.

Versus

Public Information Officer, O/o SSP, Mini Secretariat, Patiala.

...Respondent

..... Complainant

Complaint Case No. 904 of 2019

PRESENT: None for the Complainant

Sh.Sukhbahal Singh, HC O/o SSP Patiala for the Respondent

ORDER:

The complainant through RTI application dated 29.08.2019 has sought information regarding MLR report - ward No.16 Rajindra Hospital alongwith statement recorded by police station Dakala and other information concerning the office of SSP Patiala. The complainant was not provided the information after which the complainant filed a complaint in the Commission on 10.10.2019.

The respondent has brought the information. The complainant is absent. The Commission observes that the complainant in this case has come to the Commission without going to the First Appellate Authority. A copy of the information is being sent alongwith the order for the complainant. If the complainant is not satisfied with the information, he is directed to go to the First Appellate Authority and the First Appellate Authority is directed to consider and dispose off the appeal within 30 days from the receipt of this order.

The complainant can again come to the Commission, if he is not satisfied with the order of the First Appellate Authority.

With the above observations and order, the case is disposed off and closed.

Chandigarh Dated 18.02.2020

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Sh Vikrant Sharma, H NO-43-L, Gurmeet Nagar, Mithapur Road, Model Town, Jalandhar City.

... Complainant

Versus

Public Information Officer, O/o Chief Engineer, Enforcement Wing, PSPCL, The Mall, Patiala.

...Respondent

Complaint Case No. 920 of 2019

PRESENT: None for the Complainant

Sh.Avtar Singh, Addl.SE-Enforcement, PSPCL-Kapurthala for the

Respondent

ORDER:

The complainant through RTI application dated 10.08.2019 has sought information regarding action taken on registered letter dated 10.07.2019 addressed to Chief Engineer Enforcement Wing, PSPCL Patiala and other information concerning the office of Chief Engineer, Enforcement Wing, PSPCL, The Mall, Patiala. The complainant was not provided the information after which the complainant filed a complaint in the Commission on 15.10.2019.

The respondent has brought the information. The complainant is absent. The Commission observes that the complainant in this case has come to the Commission without going to the First Appellate Authority. A copy of the information is being sent alongwith the order for the complainant. If the complainant is not satisfied with the information, he is directed to go to the First Appellate Authority and the First Appellate Authority is directed to consider and dispose off the appeal within 30 days from the receipt of this order.

The complainant can again come to the Commission, if he is not satisfied with the order of the First Appellate Authority.

With the above observations and order, the case is disposed off and closed.

Chandigarh Dated 18.02.2020

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Sh.Baljeet Singh, Civil Engineer,# 64-H, BRS Nagar, Ludhiana.

... Appellant

Versus

Public Information Officer, O/o PSPCL, Focal Point, Ludhiana.

First Appellate Authority, O/o PSPCL, Focal Point, Ludhiana.

...Respondent

Appeal Case No. 3739 of 2019

PRESENT: None for the Appellant

None for the Respondent

ORDER:

The appellant through RTI application dated 23.07.2019 has sought information regarding certified/legible copies of application/documents submitted by Lodhi Club Ludhiana including all notings and other information to Electricity Department to procure its connection concerning the office of PSPCL, Focal Point, Ludhiana.

That the appellant was denied the information by the PIO on 5th November, 2019, almost after one hundred and thirty five days, on the grounds that the information asked is third party and the General Secretary, Lodhi Club has requested that information be not disclosed since it was third party.

That after being denied the information, the appellant filed a first appeal before the First Appellate Authority on 29.08.2019, which as per the available documents on the file took no decision on the appeal.

That both the parties are absent at the hearing.

That the respondent vide an email has informed that since the information was third party, and the said third party has not given its consent to disclose the information, it cannot be provided. That appellant vide an email has informed that even though the PIO has denied the information stating that the information is 3rd party information, the PIO has not sought the consent of the 3rd party within the time prescribed under the RTI Act.

Decision.

Having gone through the record and the reply of the PIO the Commission observes that the information sought by the appellant are documents that the Lodhi Club, whose ex officio president is the deputy commissioner of Ludhiana district, has submitted while applying for its electricity connection.

Since documents submitted to procure an electricity connection cannot be treated as confidential, especially if they are of a social club such as the Lodhi club, which as per its website has over 3000 members and all very eminent, I am of the view it is in the interest of the members and the public at large to know the documents that have been submitted by the club to get its electricity connection. Also, documents used to apply for an electricity connection cannot be considered trade or commercial secrets protected by law as they are regular documents, which a public authority requires to provide an electricity connection to an individual or an organization.

Appeal Case No. 3739 of 2019

Given the above facts, this bench finds that the PIO has wrongfully denied the information by invoking section 11 of the RTI Act, which in any case has not been implemented in the manner suggested in the Act for purposes to presumably stall the information.

Henceforth, I direct the PIO to give the sought information within one week of receipt of this order.

And since the information appears to have been stonewalled and delayed the Commission hereby directs 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. He/she should file an affidavit in this regard. If there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

To come up for further hearing for compliance and hearing of the show cause on **20.04.2020** at **11.00** AM.

Chandigarh Dated 18.02.2020

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Sh Jaswinder Singh, Ward NO-6, Mohalla Basoun patti, VPO Bareta, Tehsil Budhlada, Distt Mansa.

... Appellant

Versus

Public Information Officer, O/o Chief Engineer, Distribution, (West Zone), PSPCL, Bathinda.

First Appellate Authority, O/o Chief Engineer, Distribution, (West Zone), PSPCL, Bathinda

...Respondent

Appeal Case No. 3791 of 2019

PRESENT: None for the Complainant

Sh.Davinder Singh AE/DS Sub-Div Bareta for the Respondent

ORDER:

The appellant through RTI application dated 15.07.2019 has sought information regarding action taken on the letters filed from 01.07.2014 to 31.12.2016 and the applications filed by Sh.Des Raj s/o Sh.Bhag Singh in the office of PIO from 01.07.2014 to 31.12.2016 and other information concerning the office of Chief Engineer, Distribution, (West Zone), PSPCL, Bathinda. The complainant was not provided the information after which the complainant filed a complaint in the Commission on 29.08.2019.

The appellant is absent. The respondent present pleaded that the appellant had earlier filed similar appeal cases No.4042/2019 and 4043/2019 for seeking exactly the same information which were heard by Lt.Gen Ajae Kumar Sharma(Retd), State Information Commissioner on 10.12.2019 and disposed off since the available information was provided and that an affidavit was filed in both the appeal cases stating that the information which has been provided to the appellant is complete, correct and authentic.

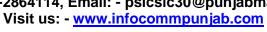
I have gone through the RTI applications and decision of the State Information Commissioner and see no further course of action since an affidavit has been provided that the information supplied to the appellant is complete, correct and authentic.

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

Chandigarh Dated 18.02.2020

Versus

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Sh Satinder Pal Singh, Office Adress # 890, Sector-70, 2nd Floor, Mohali

... Appellant

Public Information Officer,

O/o Under Secretary, Estt-1, PSPCL, Focal Point, Ludhiana.

First Appellate Authority,

O/o Secretry, PSPCL, Focal Point, Ludhiana.

...Respondent

Appeal Case No. 3800 of 2019

PRESENT: None for the Complainant

None for the Respondent

ORDER:

The appellant through RTI application dated 18.05.2019 has sought information regarding appointment of Kiranjeet Kaur d/o late Sh.Sukhdev Singh (Assistant Lineman) on compassionate ground vide letter memo No.7799 dated 15.09.2010 –documents submitted for appointment and other information concerning the office of Under Secretary, Estt-1, PSPCL, Focal Point, Ludhiana. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 26.06.2019 which took no decision on the appeal.

Both the parties are absent. In the interest of justice, one more opportunity is given and the case is adjourned.

To come up for further hearing on 07.04.2020 at 11.00 AM.

Chandigarh Dated 18.02.2020

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Sh Amandeep Singh, H No-346, Guru Amar Dass Nagar, Jalandhar.

... Appellant

Versus

Public Information Officer, O/o Divisional Engineer, JDA, Jalandhar.

First Appellate Authority, O/o EO, JDA, Jalandhar.

...Respondent

Appeal Case No. 3803 of 2019

PRESENT: None for the Complainant

Sh.Sanjeev Sharma, PIO for the Respondent

ORDER:

The appellant through RTI application dated 28.01.2019 has sought information regarding dimensions of house No.HIG 346 Guru Amar Dass Colony Jalandhar and other information concerning the office of Divisional Engineer, JDA Jalandhar. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 24.04.2019 which took no decision on the appeal.

The respondent present pleaded that the information has been sent to the appellant vide letter dated 24.06.2019.

The appellant is absent. Having gone through the record, the Commission observes that the information was provided to the appellant on 24.06.2019 after the decision of the First Appellate Authority. The appellant was not satisfied after which he came to the Commission. The appellant has raised point that the information that has been provided is made as per report created by the field staff and not what is in the record of the department. The PIO is directed to send the documents which are recorded in their file pertaining to this particular property.

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, Jalandhar. Copies of order be sent to both the parties through registered post.

Chandigarh Dated 18.02.2020

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Smt.Narinder Kaur, W/o Lt Sh.Sukhwinder Singh, R/o VPO SarhaliKalan, Patti Khasi Ki, Tehsil and Distt Tarn Taran.

... Complainant

Public Information Officer, O/o Executive Engineer, PSPCL, Division Patti, Patti,

Distt. Tarn Taran.

...Respondent

Complaint Case No. 1257of 2018

Present: Sh.Shubham Mehta, Advocate for the complainant

Sh.Gurmukh Singh, Sr.Xen for the Respondent

ORDER: The case was first heard on **12.03.2019**. The respondent brought the information and handed over to the complainant. The complainant had received the information.

Versus

The Commission found that there is an enormous delay in providing the information. The PIO was directed to explain the reasons for not attending to the RTI application within the prescribed time under the RTI Act. and be present personally on the next date of hearing alongwith the reply on an affidavit.

The case was again heard on **14.05.2019.** The respondent did not bring any reply regarding delay in providing the information. The PIO was given one more opportunity to file detailed reply on an affidavit for not attending to the RTI application within the time prescribed under the RTI Act and be present personally on the next date of hearing.

The case was further heard on **16.07.2019.** The information had been provided. Regarding delay in providing the information, the respondent submitted an affidavit which was taken on the file of the Commission.

The respondent pleaded that he has just joined as PIO on 26.06.2019 and the delay is on the part of the earlier PIO Sh.Gurmukh Singh, who is now posted as Sr Xen, PSPCL, Industrial Division, Hall Gate, Amritsar. The respondent further pleaded that since their office is not equipped with the dedicated staff having requisite qualifications, the information was delayed. The Superintending Engineer, PSPCL, Amritsar was directed to look into the matter and resolve the matter.

Sh.Gurmukh Singh, Sr.Xen, PSPCL-Industrial Division, Hall Gate, Amritsar was impleaded in the case and issued a show caused under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time and directed to file an affidavit in this regard.

The case was again heard on **29.10.2019.** The information had been provided. Sh.Gurmukh Singh, Sr.Xen, PSPCL Industrial Division, Amritsar who was impleaded in the case, was absent nor has sent any reply to the show cause notice.

Sh.Gurmukh Singh, Sr.Xen was given one last opportunity to appear before the Commission on the next date of hearing alongwith the reply to the show cause notice on an affidavit, otherwise it will be presumed that he has nothing to say in the matter and the Commission will be constrained to penalize the PIO under section 20 of the RTI Act.

The case was last heard on **13.01.2020.** Sh.Gurmukh Singh, Sr.Xen was absent nor had sent any reply to the show cause notice. Sh.Gurmukh Singh, Sr.Xen was given one more opportunity to appear before the Commission on the next date of hearing alongwith the reply to the show cause notice on an affidavit, otherwise it will be presumed that he has nothing to say in the matter and the Commission will be constrained to penalize the PIO under section 20 of the RTI Act.

Hearing dated 18.02.2020:

Sh.Gurmukh Singh Sr Xen, PSPCL, Industrial Division, Hall Gate, Amritsar(earlier APIO-PSPCL Patti) is present and has submitted his reply on an affidavit which is taken on the file of the Commission. The counsel for the appellant pleaded that since the information has been provided with a delay of more than ten months, the PIO be penalized and the appellant be compensated for undue harassment in getting the information.

I have gone through the reply of Sh.Gurmukh Singh and accepted his plea. However, since there has been an enormous delay in providing the information and 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 20.04.2020 at 11.00 AM.

Sd/Chandigarh (Khushwant Singh)
Dated: 18.02.2020 State Information Commissioner

CC to 1. Sh.Gurmukh Singh, Sr.Xen,
PSPCL-Industrial Division, Hall Gate, Amritsar

2. Superintending Engineer, PSPCL, Amritsar

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Sh. Harbans Singh, S/o Sh.Chunni Lal, Kothi No-1, Ward No-1, Near SD School, Fatehgarh Churian, Distt.Gurdaspur.

....Appellant.

Versus

Public Information Officer, Commissioner, Nagar Nigam, Amritsar.

First Appellate Authority, Director, Local Govt, Sector-35, Chandigarh.

...Respondent

Appeal Case No. 1397 of 2018

Present: None for the Appellant

Ms.Harpreet Kaur, Building Inpsector-APIO (earlier deemed PIO-MC

Amritsar) for the Respondent

ORDER:

This order should be considered in continuation to the earlier order.

On the date of hearing of **11.03.2019**, APIO-Harpreet Kaur(deemed PIO in this case) was found guilty for repeated and willful defiance of the Punjab State Information Commission's orders, a penalty of **Rs.25**, **000/-**was imposed upon Ms.Harpreet Kaur, APIO-cum-deemed PIO, O/o Commissioner, Nagar Nigam, Amritsar and 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. The PIO was again directed to provide part of the information i.e. the names of the property holders only to the appellant within a week.

On the date of hearing on **28.08.2019.** Ms.Harpreet Kaur appeared and informed that she never got the order. However, she assured to comply with the order of Commission before the next date of hearing. One more opportunity was granted to Ms.Harpreet Kaur,Building Inspector (Technical), MC Moga (earlier APIO-cum-deemed PIO, O/o Commissioner, Nagar Nigam, Amritsar) and directed to comply with the earlier order of the Commission and submit proof of having deposited the amount of penalty in the Govt. Treasury.

The appellant was absent. The appellant vide email has informed that the PIO has not provided the information. The present PIO was again absent. The present PIO-MC Amritsar was given one last opportunity to provide the information to the appellant within 10 days and directed to send a compliance report to the Commission; otherwise the Commission will be constrained to take action as per RTI Act.

On the last date of hearing which was fixed on **02.12.2019**, Ms.Harpreet Kaur,Building Inspector (Technical), MC Moga (earlier APIO-cum-deemed PIO, O/o Commissioner, Nagar Nigam, Amritsar) was present and pleaded that she was unable to deposit the penalty amount because she had not got salary for last 11 months. Sr. Town Planner, MC Moga was directed to look into the matter and send a reply to the Commission on the claim of the respondent that she is unable to deposit the penalty since she has not received salary from 11 months. The PIO-MC Amritsar was absent.

Hearing dated 18.02.2020:

Ms.Harpreet Kaur,Building Inspector (Technical), MC Moga (earlier APIO-cum-deemed PIO, O/o Commissioner, Nagar Nigam, Amritsar) is present and pleaded that she is still unable to deposit the penalty amount because she has not got salary and pleaded for more time. The plea is accepted and she is given one more opportunity to deposit the penalty amount before the next date of hearing.

The Commission observes that he present PIO-MC Amritsar has not appeared nor has sent any compliance of the order of the Commission. The PIO-MC Amritsar is continuously absent and there is nothing on record to show that the PIO has provided the information in compliance with the order of the Commission. The Commission has taken a serious note of this and hereby directs the PIO-MC Amritsar 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.** He/she should file an affidavit in this regard. If there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

The case is adjourned. To come up for further hearing on 29.04.2020 at 11.00 AM.

Chandigarh Dated: 18.02.2020 Sd/-(Khushwant Singh) State Information Commissioner

CC to :1. The Chief Commissioner, Nagar Nigam, Amritsar

- 2. Ms.Harpreet Kaur, Building Inspector, Municipal Corporation, Moga.
- 3. Sr.Town Planner, MC, Moga.