**STATE INFORMATION COMMISSION, PUNJAB**

**RED CROSS BUILDING, SECTOR 16, MDHYA MARG, CHANDIGARH**

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Sh. Rohit Sabharwal, President,

Kundan Bhawan,

126, Model Gram, Ludhiana Appellant

Versus

Public Information Officer,

O/o Municipal Corporation,

Zone –A, Mata Rani Chowk,

Ludhiana

First Appellate Authority,

O/o Municipal Corporation,

Zone –A, Mata Rani Chowk,

Ludhiana Respondents

**APPEAL CASE NO.1125/2017**

**Date of RTI Application : 02.12.2016** **Date of First Appeal : 03.01.2017**  **Date of order of FAA : Reply: 09.01.2017 Date of Second Appeal : 10.04.2017**

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

1. Sh. Rajiv Bhardwaj, Superintendent, Zone ’D’, M.C. office, Ludhiana,

2. Sh. Rajinder Walia, Draftsman, Zone ‘D’, M.C. Office, Ludhiana – for Respondents.

**ORDER**

The order was reserved on 12.07.2017 for pronouncement.

The following order was made on 12.07.2017:

*“The case has been heard through video conferencing.*

*Sh. Rajiv Bhardwaj, Superintendent appearing on behalf of the Respondents says that vide their reply dated 09.01.2017 they had informed the appellant that the information could not be supplied as it concerns a third party who has advised them not to reveal it.*

*The appellant says that it was overruled by the First Appellant Authority on 16.03.2017 and had advised the respondents to furnish it to the appellant. The Counsel of the appellant further says that a detailed rebuttal against the plea taken by the respondents has been filed by them before the Commission.*

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*We find that the order passed in the first appeal by the First Appellate Authority is not available. The appellant is advised to forward its copy to the Commission immediately.”*

The case has been taken up today. It transpires that the original application concerns the PIOs, Sh. Vijay Kumar, ATP, Zone ‘D’ and Sh. Rajiv Bhardwaj, Superintendent, House Tax Branch, Zone ‘D’, Municipal Corporation, Ludhiana.

In compliance with the order of the Commission, the appellant has submitted a copy of the order passed by the First Appellate Authority. The First Appellate Authority in no uncertain term has ordered the PIO to provide the information. In case the PIO was not happy with the order of the First Appellate Authority he should have approached the Commission to have it undone. Having failed to do so it does not lie in his mouth at this juncture to take the same stance of ‘third party’ information in the second appeal. Sh. Vijay Kumar, PIO – cum – Assistant Town Planner, Zone ‘D’, Municipal Corporation, Ludhiana has failed in his obligation to provide the information.

Sh. Rajiv Bhardwaj, PIO – cum – Superintendent, House Tax Branch, Zone ‘D’, Municipal Corporation, Ludhiana is present. He submits that the only information that relates to his branch concerns the Point No. 10 in which the appellant has sought to know the house tax and property tax records of the above said buildings. He has filed a written reply in which they have taken the plea that the property tax records is the personal information of the third party and attracts an exemption as mentioned under Section 8 (1) (j) of the RTI Act. He has also quoted in his reply certain judgments of superior Courts of the country. The Commission has considered it. Since the appellant has alleged some apprehensions of foul play in the amount of taxation of these properties the plea of the respondents is ignored and overruled. They are directed to convey to the appellant the amount of *Contd…page..3*

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tax that has been levied on the above properties. However, the Commission concedes their

arguments towards providing them certified copies of the details of the properties as the information thus provided to be revealed is a purely in public interest.

The PIO has thus failed to provide the information in terms of section 7 (2) of the Act thereby rendering himself culpable of willful denial of information admissible under law. Sh. Vijay Kumar, PIO – cum – ATP, Zone ‘D’, M.C. Office, Ludhiana 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 himfor 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.

To come up on **08.11.2017 at 11.30 AM through video conference at Ludhiana.**

**Sd/-**

**19.09.2017 (Yashvir Mahajan)**

**State Information Commissioner**

**CC: Sh. Vijay Kumar,**

**PIO – cum – Assistant Town Planner, Zone ‘D’, Near Mata Rani Chowk, Municipal Corporation, Ludhiana.**

**CC: The Commissioner,**

**Municipal Corporation, Near Mata Rani Chowk, Ludhiana.**