PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
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Sh. Love Kumar Dua s/o Sh. Megh Raj Dua,
r/o # 125, Model Town
Samrala Road,
Khanna 141401 9815255646

....Appellant

Vs

Public Information Officer
o/o Addl. Civil Judge Sr. Division,
Khanna, District Ludhiana

First Appellate Authority
-cum-Addl. Civil Judge Sr. Division,
Khanna, District Amritsar

....Respondents

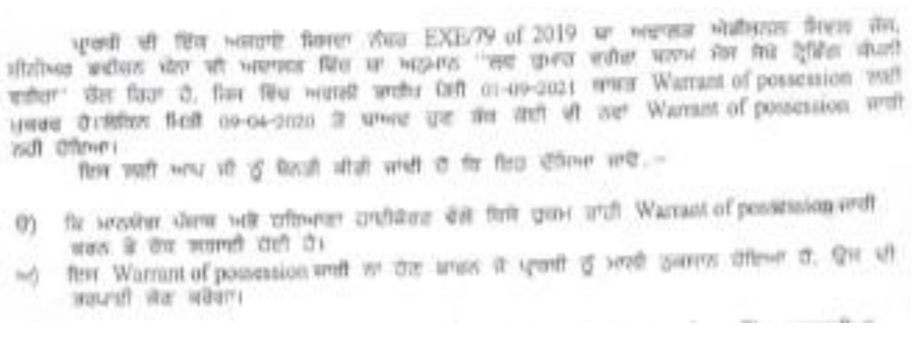
Appeal Case No. 4825 of 2021
(Video Conference Proceedings)

Present:- Sh. Love Kumar Dua, appellant,
Sh. Manish Kumar 9814696811 on behalf of the respondents.

ORDER

The RTI application is dated 19.8.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 13.9.2021 and second appeal was filed in the Commission on 22.10.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant has sought the following information:-



3. The appellant states that the respondent authority may be directed to supply the complete information in this court case. However the representative of the respondent states that the reply in this case has already been sent to the appellant by the public information officer. He further states that also the first appellant authority has already passed the order in this case and he reiterated the same during the hearing.

4. The relevant portion of the reply filed by the public information officer is reproduced below:

Vide your subject cited application received in this court on 13.08.2021 through the office of District & Sessions Judge, Ludhiana you have sought information regarding EXE/9 /2019 titled as Love Kumar etc vs M/s Sekhon Trading etc, under RTI Act. Parawise reply to the application is below.

a) The Hon'ble H[illegible]urt vide order dated 28.04.2021 passed in CM No. 30-32-CWP11-2021, has issued directions that the orders of eviction, dispossession, demolition, etc. passed by any Court Subordinate to it or any Tribunal or Judicial or Quasi Judicial forum, which have so far remained unexecuted, shall remain in abeyance till 30th June of 2021 and thereafter vide order dated 30.06.2021, such directions were ordered be remain in operation till 31.08.2021.

b) This query req[illegible] the personal opinion of the undersigned, which cannot be provided under RTI Act, in view of the decision of Hon'ble Supreme Court of India in case Central Board of Secondary Education and another Vs. Aditya Bandoupadhayay and other (2011) 8 SCC 497 that public authority is not required to furnish information which required drawing of inference and/or making of assumptions. It is also not required to provide advice or opinion to the applicant nor required to obtain and furnish a[illegible]ion or advice to an application or to solve problems raised by the applicant or to furnish reply to hypothetical questions.

In case you are not satisfied with the information provided by the undersigned, your are at liberty to file an appeal against this order, before the Ld. Addl. Civil Judge (Senior Division), Khanna being Ist Appellate Authority.

Also the relevant portion of the order passed by the first appellate authority is reproduced below:

1. Appellant Love Kumar has preferred the present first appeal under Right to Information Act, 2005 (in short 'Act') being aggrieved by the order dated 08.09.2021 vide which the respondent/Public Information Officer of the Office of undersigned has supplied the information for point I of the application of the appellant and he has denied the information for point II of the application filed by the appellant.

2. Vide his application dated 12.08.2021, appellant Love Kumar had sought the following information:

i) Vide which order, the Hon'ble Punjab and Haryana High Court vide stopped the issuance of warrants of possession?

ii) As to who will reimburse the loss caused to the appellant for non issuance of warrants of possession?

3. The respondent/Public Information Officer vide his letter no. 566 dated 08.09.2021 has provided the information with regard to point I of his application and with regard to point no. II, he has informed the appellant that the said information is the personal opinion of respondent which cannot be provided under the RTI Act in view of the decision of Hon'ble Supreme Court of India in case titled as " Central Board of Secondary Education @ another Versus Aditya Bandoupadhayay and

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others" (2011) 8-SCC.497, wherein it has been held that Public Authority is not required to furnish information which required drawing of inference and/or making of assumption. It is also not required to provide advice or opinion to the applicant nor required to obtain and furnish any opinion or advise to an application or to solve problems raised by the applicant or to furnish reply to hypothetical questions.

4. Aggrieved with the said order, the appellant has filed the present appeal.

5. Notice of this appeal was issued to the respondent who reiterated the grounds as detailed in his letter dated 08.09.2021.

6. Appellant in person appeared and submitted that he has not sought the said information from this Court and he is satisfied with the information supplied by the respondent/Public Information Officer.

7. After going through the application dated 12.08.2021 it is apparent that as regards the information sought by the appellant at point I is concerned, the respondent has given the information as sought by the appellant and appellant has also submitted that he is satisfied with the said information. As regards the information sought by the appellant at point II, the respondent has specifically stated that the said information being the personal opinion of the respondent cannot be supplied under the RTI Act. As per the judgment titled as" Central Board of Secondary Education @ Another Versus Aditya Bandoupadhayay and others" (2011) 8-SCC.497, it has been held by Hon'ble Supreme Court that where the information sought is not a part of the record of Public Authority and where such information is not required to be maintained under any law or the rules or regulations of the Public Authority, the act does not cast an obligation upon the Public Authority to collect or to collate such unavailable information and then furnish it to an applicant. A Public Authority is also not required to furnish information which require drawing of inference and/or making of assumption. It is also not required to provide advice or opinion to the applicant nor required to obtain and furnish any opinion or advise to an applicant.

Therefore, the said information at point II of the application cannot be provided and the respondent has rightly denied the supply of said information.

8. In view of the above said appeal filed by the appellant is hereby dismissed. The copy of this order be sent to the appellant who has not come present today.

5. As per the reply filed by the Public Information Officer and the order of the First

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Appellate Authority as enumerated above, the Commission does not find any merit as per the submission made by the appellant. Therefore no further directions can be given to the respondent public authority as per the provisions of the RTI act, 2005 as the appellant has been well informed regarding the sought information. Accordingly the Commission observes that no further action is required to be taken in this case. Hence, the case is disposed of and closed.

sd

Dated:2.12.2021

(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Dilbagh Chand s/o Sh. Ramji Dass,
Village Hiyatpur PO Babowal,
Tehsil Samrala District Ludhiana 9463267669

....Appellant

Vs

Public Information Officer
o/o Financial Commissioner Revenue
Punjab Civil Secretariat-1, Chandigarh.

First Appellate Authority
o/o Financial Commissioner Revenue
Punjab Civil Secretariat-1, Chandigarh.

....Respondents

Appeal Case No. 4826 of 2021
(Video Conference Proceedings)

Present:- Sh. Dilbagh Chand, appellant
Sh. Amandeep Singh, Sr. Asstt 9888933750 in person on behalf of the respondents.

ORDER

The RTI application is dated 12.7.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 1.9.2021 and second appeal was filed in the Commission on 22.10.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant has sought the following information:-
" 1. ਪਿ.ਅੰ.ਨੰ: 1/29/2017/ਮੁ.ਮੰ.ਦ/ਸੀਏ2/ਈ22040/1 ਮਿੱਤੀ 12/9/2019

2. ਪਿ.ਅੰ.ਨੰ: 5/09/2017/ਮੁੱ.ਮੰ.ਦ./ਜੀਏ4/ਈ550/1 ਮਿੱਤੀ 8/1/2020

3. ਪਿ.ਅੰ. ਨੰ: ਸੀਐਮਓ /28/2020-4GEN0DAK/28/2020-4/62PST/1 ਮਿੱਤੀ 7/3/2021

ਇਹਨਾਂ ਪੱਤਰਾਂ ਉਪਰ ਹੋ ਚੁੱਕੀ ਪੜਤਾਲ ਤੇ ਆਪ ਜੀ ਵੱਲੋਂ ਕੀਤੀ ਕਾਰਵਾਈ ਦੀ ਟੈਸਟਿਡ ਕਾਪੀ ਦਿੱਤੀ ਜਾਵੇ।"

3. The appellant states that the respondent authority may be directed to supply the complete information in this case. However the representative of the respondent states that the specific reply regarding the sought information has already been sent to the appellant with a copy to the Commission vide letter dated 29th November 2021, which is taken on record.

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4. The reply filed by the respondent Public Information Officer is reproduced below

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ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਸਬੰਧੀ ਦੱਸਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਪ੍ਰਾਰਥੀ ਵੱਲੋਂ ਆਰ.ਟੀ.ਆਈ ਅਧੀਨ ਪੱਤਰ ਮਿਤੀ 8/7/2021 ਰਾਹੀ ਲਿਖਿਆ ਗਿਆ ਸੀ ਕਿ ਹੇਠ ਲਿਖੇ ਪੱਤਰਾਂ ਸਬੰਧੀ ਕੀਤੀ ਗਈ ਕਾਰਵਾਈ ਬਾਰੇ ਸੂਚਿਤ ਕੀਤਾ ਜਾਵੇ:-

ੳ) ਪਿੰ.ਅੰ.ਨੰ 1/29/2017/ਮੁੰ.ਸੰ.ਦ/ਜੀਏ.2/E22040/1 ਮਿਤੀ 12-9-2019।

ਅ) ਪਿੰ.ਅੰ.ਨੰ 5/09/2017/ਮੁੰ.ਮੰ.ਦ/ਜੀਏ.4/E550/1 ਮਿਤੀ 08-01-2020।

ੲ) ਪਿੰ.ਅੰ.ਨੰ Cmo-GenoDak/28/2020-G-4/62/85T/1 ਮਿਤੀ 17-3-2021।

ਇਸ ਵਿਭਾਗ ਵੱਲੋਂ ਪੱਤਰ ਮਿਤੀ 10/8/2021(ਕਾਪੀ ਲੱਫ) ਅਤੇ 25/8/2021(ਕਾਪੀ ਲੱਫ) ਰਾਹੀ ਉਕਤ ਵਿਸ਼ੇ ਸਬੰਧੀ ਸੂਚਨਾਂ ਪ੍ਰਾਰਥੀ ਨੂੰ ਮੁਹੱਈਆ ਕਰਵਾ ਦਿੱਤੀ ਗਈ ਸੀ।

2. ਉਪਰੋਕਤ ਸਬੰਧੀ ਪ੍ਰਾਰਥੀ ਵੱਲੋਂ ਪੱਤਰ ਮਿਤੀ 01/09/2021 ਰਾਹੀ ਪਹਿਲੀ ਅਪੀਲ ਕੀਤੀ ਗਈ ਜਿਸ ਵਿਚ ਦਿੱਤਾ ਗਿਆ ਹਵਾਲਾ ਪੱਤਰ ਮਿਤੀ 12-7-2021 ਇਸ ਵਿਭਾਗ ਵਿਖੇ ਪ੍ਰਾਪਤ ਨਹੀਂ ਹੋਇਆ ਸੀ। ਜਿਸ ਕਾਰਨ ਇਸ ਵਿਭਾਗ ਵੱਲੋਂ ਪੱਤਰ ਮਿਤੀ 14-9-2021(ਕਾਪੀ ਲੱਫ) ਰਾਹੀ ਪ੍ਰਾਰਥੀ ਨੂੰ ਲਿਖਿਆ ਗਿਆ ਕਿ ਜੋ ਸੂਚਨਾਂ ਉਸ ਵੱਲੋਂ ਮੰਗੀ ਜਾ ਰਹੀ ਹੈ, ਉਹ ਪੱਤਰ ਮਿਤੀ 12/7/2021 ਇਸ ਦਫਤਰ ਵਿਖੇ ਪ੍ਰਾਪਤ ਨਹੀਂ ਹੋਇਆ ਹੈ। ਇਸ ਲਈ ਆਪ ਦੀ ਮੰਗ ਅਨੁਸਾਰ ਸੂਚਨਾਂ ਮੁਹੱਈਆ ਨਹੀਂ ਕਰਵਾਈ ਜਾ ਸਕਦੀ। ਇਸ ਲਈ ਮੰਗ ਅਨੁਸਾਰ ਸੂਚਨਾਂ ਮੁਹੱਈਆ ਕਰਵਾਉਣ ਵਾਸਤੇ ਹਵਾਲਾ ਦਰੁਸਤ ਕੀਤਾ ਜਾਵੇ ਜਾਂ ਫੇਰ ਪੱਤਰ ਮਿਤੀ 12/7/2021 ਦੀ ਫੋਟੋ ਕਾਪੀ ਭੇਜੀ ਜਾਵੇ। ਇਸ ਸਬੰਧੀ ਪ੍ਰਾਰਥੀ ਵੱਲੋਂ ਕੋਈ ਵੀ ਜਵਾਬ ਇਸ ਵਿਭਾਗ ਵਿਖੇ ਨਹੀਂ ਭੇਜਿਆ ਗਿਆ।

3. ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਸਬੰਧੀ ਮੁੜ ਪ੍ਰਾਰਥੀ ਵੱਲੋਂ ਪੱਤਰ ਮਿਤੀ 27/9/2021 ਰਾਹੀ ਲਿਖਿਆ ਗਿਆ ਜਿਸ ਵਿਚ ਦਿੱਤਾ ਗਿਆ ਹਵਾਲਾ ਪੱਤਰ ਮਿਤੀ 12-7-2021 ਇਸ ਵਿਭਾਗ ਵਿਖੇ ਪ੍ਰਾਪਤ ਨਹੀਂ ਹੋਇਆ ਸੀ । ਜਿਸ ਕਾਰਨ ਇਸ ਵਿਭਾਗ ਵੱਲੋਂ ਪੱਤਰ ਮਿਤੀ 21-10-2021(ਕਾਪੀ ਲੱਫ) ਰਾਹੀ ਦਾਬਾਰਾ ਪ੍ਰਾਰਥੀ ਨੂੰ ਲਿਖਿਆ ਗਿਆ ਕਿ ਜੋ ਸੂਚਨਾਂ ਉਸ ਵੱਲੋਂ ਮੰਗੀ ਜਾ ਰਹੀ ਹੈ, ਉਹ ਪੱਤਰ ਮਿਤੀ 12/7/2021 ਇਸ ਦਫਤਰ ਵਿਖੇ ਪ੍ਰਾਪਤ ਨਹੀਂ ਹੋਇਆ ਹੈ। ਇਸ ਲਈ ਆਪ ਦੀ ਮੰਗ ਅਨੁਸਾਰ ਸੂਚਨਾਂ ਮੁਹੱਈਆ ਨਹੀਂ ਕਰਵਾਈ ਜਾ ਸਕਦੀ। ਇਸ ਲਈ ਮੰਗ ਅਨੁਸਾਰ ਸੂਚਨਾਂ ਮੁਹੱਈਆ ਕਰਵਾਉਣ ਵਾਸਤੇ ਹਵਾਲਾ ਦਰੁਸਤ ਕੀਤਾ ਜਾਵੇ ਜਾਂ ਫੇਰ ਪੱਤਰ ਮਿਤੀ 12/7/2021 ਦੀ ਫੋਟੋ ਕਾਪੀ ਭੇਜੀ ਜਾਵੇ। ਇਸ ਦੇ ਨਾਲ ਸ੍ਰੀ ਅਮਨਦੀਪ ਸਿੰਘ ਸੀਨੀਅਰ ਸਹਾਇਕ ਦੇ ਮੋਬਾਇਲ ਨੰਬਰ 9888933750 ਤੋਂ ਪ੍ਰਾਰਥੀ ਦੇ ਮੋਬਾਇਲ ਨੰਬਰ 9463267669 ਤੇ ਸਬੰਧਿਤ ਪੱਤਰ ਨੂੰ whatsapp ਵੀ ਕੀਤਾ ਗਿਆ, ਜੋ ਕਿ ਪ੍ਰਾਰਥੀ ਵੱਲੋਂ ਦੇਖ ਲਿਆ ਗਿਆ ਸੀ i.e blue tick ਦੇ ਸਨਮੁੱਖ । ਇਸ ਸਬੰਧੀ ਪ੍ਰਾਰਥੀ ਵੱਲੋਂ ਕੋਈ ਵੀ ਜਵਾਬ ਇਸ ਵਿਭਾਗ ਵਿਖੇ ਨਹੀਂ ਭੇਜਿਆ ਗਿਆ।

4. ਪ੍ਰਾਰਥੀ ਵਲੋਂ ਮਾਨਯੋਗ ਰਾਜ ਸੂਚਨਾਂ ਕਮਿਸ਼ਨ ਵਿਖੇ ਦੂਜੀ ਅਪੀਲ ਦਾਇਰ ਕੀਤੀ ਗਈ ਹੈ। ਜਿਸ ਦੇ ਨਾਲ ਲੱਫ ਪੱਤਰਾਂ ਨੂੰ ਵਾਚਣ ਤੇ ਪੱਤਰ ਲੱਗਾ ਕਿ ਪ੍ਰਾਰਥੀ ਦੇ ਪੱਤਰ ਮਿਤੀ 8/7/2021 ਅਤੇ ਪੱਤਰ ਮਿਤੀ 12-7-2021 ਜਿਸ ਦੇ ਸਨਮੁੱਖ ਸੂਚਨਾਂ ਮੰਗੀ ਜਾ ਰਹੀ ਹੈ, ਇਕੋਂ ਹੀ ਹੈ। ਜਿਸ ਦੀ ਮਿਤੀ ਪ੍ਰਾਰਥੀ ਵੱਲੋਂ ਗਲਤ ਲਿਖੀ ਗਈ ਹੈ। ਜਿਸ ਸਬਧੀ ਸੂਚਨਾਂ ਪ੍ਰਾਰਥੀ ਨੂੰ ਮੰਗ ਅਨੁਸਾਰ ਇਸ ਵਿਭਾਗ ਦੇ ਪੱਤਰ ਮਿਤੀ 10/8/2021 ਅਤੇ 25/8/2021 ਰਾਹੀ ਪਹਿਲਾ ਹੀ ਦਿੱਤੀ ਜਾ ਚੁੱਕੀ ਹੈ।

5. ਉਕਤ ਸੂਚਨਾਂ ਸਬੰਧੀ ਦੱਸਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਪ੍ਰਾਰਥੀ ਸ੍ਰੀ ਦਿਲਬਾਗ ਚੰਦ, ਸੂਬੇਦਾਰ ਰਿਟਾਇਰਡ, ਹਿਆਤਪੁਰ ਬੇਟ, ਤਹਿਸੀਲ ਸਮਰਾਲਾ, ਜਿਲ੍ਹਾ ਲੁਧਿਆਣਾ ਵੱਲੋਂ ਤਿੰਨ ਵੱਖਰੀਆਂ ਸ਼ਿਕਾਇਤਾਂ ਕੀਤੀਆਂ ਗਈਆਂ ਸਨ। ਉਸ ਤੇ ਦਫਤਰ ਵੱਲੋਂ ਅਗਲੇਰੀ ਕਾਰਵਾਈ ਕਰਦੇ ਹੋਏ ਪੱਤਰ ਨੰ 5/79/19-ਮ.ਅ2(7)/13231 ਮਿਤੀ 15/10/2019(ਕਾਪੀ ਲੱਫ), 5/13/2021/ਮ.ਅ.3(4)/2604ਮਿਤੀ25.02.2021(ਕਾਪੀ ਲੱਫ), ਅਤੇ 5/10/20 ਮਅ-1(6)/863 ਮਿਤੀ 20/1/2020(ਕਾਪੀ ਲੱਫ) ਰਾਹੀ ਕਮਿਸ਼ਨਰ ਪਟਿਆਲਾ ਮੰਡਲ ਪਟਿਆਲਾ ਅਤੇ ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ ਲੁਧਿਆਣਾ(2) ਨੂੰ ਵਿਸ਼ਾ ਅੰਕਿਤ ਸ਼ਿਕਾਇਤਾਂ ਦੀ ਕਾਪੀਆਂ ਮੂਲ ਰੂਪ ਵਿਚ ਕਰਮਵਾਰ ਅਗਲੇਰੀ ਕਾਰਵਾਈ ਹਿੱਤ ਭੇਜ ਦਿੱਤੀਆਂ ਗਈਆਂ ਸਨ। ਉਪਰੋਕਤ ਅਨੁਸਾਰ ਸੂਚਨਾਂ ਪ੍ਰਾਰਥੀ ਨੂੰ ਭੇਜ ਦਿੱਤੀ ਗਈ ਸੀ।

5. Since the respondent Public Information Officer filed the specific reply regarding the sought information as enumerated above, as such, the same is accepted. Accordingly, the Commission observes that no further action is required to be taken in this case. Also a copy of the reply filed by the respondent Public Information Officer is being sent to the appellant along with this order. Hence, the case is disposed of and closed. Sd/

Dated: 2.12.2021

(Suresh Arora)
Chief Information Commissioner, Punjab.