

PUNJAB, STATE INFORMATION COMMISSION
Sector-16, Madhya Marg, Near Rose Garden, Chandigarh

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ShJaswinder Singh, S/o ShKartar Singh,
Village Chak Bhaike, Tehsil Budhlada,
Distt Mansa.

.... Appellant.

Versus

Public Information Officer,
EO, Nagar Council,
Budhlada, Distt Mansa.

First Appellate Authority,
Deputy Director, Local Bodies,
Bathinda.

...Respondent

Appeal Case No. 1521 of 2018

Present: None for the Appellant
 None for the Respondent

ORDER:

The case was first heard on **09.07.2018**. The respondent was absent. The appellant informed that against the deposit of fee of Rs.2000/-, he received only one page of information. The PIO was directed to be present personally on the next date of hearing and explain that why the appellant was asked to deposit Rs.2000/- at the first instance and also to explain the rationale behind Rs.2000/- fee for one page of information."

The case was again heard on **07.08.2018**. Sh.Amrit Pal Singh Accountant was present on behalf of the PIO. The respondent pleaded that the information has been provided and the amount has been refunded to the appellant. The appellant pleaded that the information is incomplete as in point No.2, qualification has not been mentioned.

The Commission found that the information has been provided as per RTI. However, the respondent was not able to explain the reason why the appellant was asked to deposit Rs.2000/- for a single page information. It was a clear indication of harassment and malafide intention of the PIO to ask the appellant to deposit Rs.2000/-. The PIO was directed to explain why appropriate action under the RTI Act should not be taken against him and why he should not be penalized for not providing the information in time and for charging exorbitant fee in violation of the section 7(1) of the RTI Act. The reply to be submitted by way of an affidavit.

The case was last heard on **23.10.2018**. Since the information had already been provided, the appellant was exempted for further hearing. The respondent was absent. The PIO was given one more opportunity to comply with the earlier orders of the Commission and submit reply by way of an affidavit for not complying with the order of the Commission.

The case was last heard on **28.11.2018**. The order is reproduced hereunder:

"The respondent is absent. In the hearing on 07.08.2018 and 23.10.2018, the PIO was directed to explain why appropriate action under the RTI Act should not be taken against him and why he should not be penalized for not providing the information in time and for charging exorbitant fee in violation of the section 7(1) of the RTI Act. The PIO was also directed to be present personally and submit reply by way of an affidavit.

Appeal Case No. 1521 of 2018

The PIO has failed to comply with the orders of the Commission. The Commission has taken a serious note of this and hereby directs the PIO to **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**, and for not complying with the orders of the Commission, he 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.”

Hearing dated 21.01.2019:

In the last hearing, the PIO was issued show cause notice and the PIO was directed to submit reply to the show cause on an affidavit. The respondent is absent. The PIO is given one more opportunity to appear before the Commission on the next date of hearing alongwith the written reply on an affidavit otherwise the Commission will be constrained to take action as per the RTI Act.

To come up on **13.03.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 21.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Sukhdev Raj Devgan,
D-288, Ranjit Avenue,
Amritsar.

... Appellant

Versus

Public Information Officer,
The Registrar of Firms and Societies, Pb,
17 Bays Building, 3rd Floor, Sec-17, Chd.

First Appellate authority,
The Registrar of Firms and Societies, Pb,
17 Bays Building, 3rd Floor, Sec-17, Chd.

...Respondent

Appeal Case No. 1524 of 2018

Present: **Sukhdev Raj as Appellant**
 Sh.Amarjit Singh, Sh.Satnam Singh and Sarabjit Singh, PIO-Registrar of
 Firms & Societies, Punjab, for the Respondent

ORDER:

The case was first heard on **09.07.2018**. The respondent was absent. The PIO was directed to provide the (1) copy of application alongwith documents attached at the time of registration (2) copy of registration certificate (5) list of present trustees to the appellant. The other points to be discussed on the next date of hearing. The PIO was also directed to be present personally on the next date of hearing.

The case was again heard on **07.08.2018**. **The appellant** informed that he has not yet received the information. The respondent was absent and did not comply with the orders of the Commission. The PIO was issued **show cause notice and was directed to file reply on an affidavit and to appear personally** before the Commission along with the written replies.

The case again came up for hearing on **23.10.2018**. The PIO was again absent and has not responded to the show cause. Sh.Satnam Singh, Sr.Assistant representing the PIO from the office of Registrar of Firms and Societies appeared late and had not brought any information. The PIO was granted one last opportunity to be present personally on the next date of hearing and file reply to the show cause explaining the reasons for delay in providing the information as well as not abiding by the orders of the Commission to provide information.

The case was last heard on **28.11.2018**. The appellant informed that he has not received the information. The PIO was absent and since the PIO neither sent any reply to the show cause notice issued to the PIO on 07.08.2018 nor provided the information, the PIO-Registrar of Firms & Societies, Punjab was imposed a penalty of Rs.15000/-. The PIO was directed to duly inform the Commission of the compliance of the orders by producing a copy of the challn justifying the deposition of the penalty in the Govt Treasury.

Hearing dated 21.01.2019:

The respondent present pleaded that the available information has been provided to the appellant and the appellant has received the same.

Appeal Case No. 1524 of 2018

Regarding deposit of penalty which was imposed upon the PIO in the last order, for not providing the information within the time prescribed under the RTI Act and for not complying with the order of the Commission, the PIO has submitted an affidavit which is taken on the file of the Commission. The PIO in the affidavit has stated that since the deponent has been assigned the additional duties of the posts of Joint Director(Plan-Coordination, Joint Director(Credit) and Nodal Officer of various important schemes of the department besides present assignment of posting as Registrar of Firms and Societies, Punjab, the deponent remains busy n attending to the important meeting chaired by the Higher Authorities of the Govt and could not appear before the Commission on the dates fixed.

The PIO further stated that since the records of the firms and societies registered (about 2.50 lacs societies and 4.50 lacs partnership firms) are being maintained manually, they were trying their best to trace out the old record but the same was not traceable. The PIO further stated in the affidavit that the lapse has been on the part of the dealing officials who did not comply the order of the deponent as well as the order passed by the Commission and the explanation has been called from the concerned officials. The PIO in view of this submission has prayed that the order dated 28.11.2018 be reviewed and the order of imposing the penalty may be revoked and that since the information has been provided, the appeal of the appellant may be ordered to be disposed off.

Since the Commission arrived at the decision to penalize the PIO under section 20 of the RTI Act after providing ample opportunities to explain the reasons for delay in providing the information, the plea of the PIO is not accepted. The PIO is directed to comply with the earlier order of the Commission and duly inform the Commission of the compliance of the orders by producing a copy of the challn justifying the deposition of the penalty in the Govt Treasury before the next date of hearing.

To come up on **26.02.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 21.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh A.P Mehta,
88, Professor's Colony,
Tilak Nagar, Amritsar.

Appellant.

Versus

Public Information Officer,
DPI (C), P.S.E.B,
Phase-8, Mohali.

First Appellate Authority,
Principal Secretary,
Higher Education, Govt of Punjab,
Chandigarh.

...Respondent

Appeal Case No. 1398 of 2018

Present: Sh.R.C.Verma on behalf of Sh. A.P.Mehta Appellant
Sh.Amarjot Singh, Sr.Assistant DPI Colleges Mohali for the Respondent

ORDER:

The case was first heard on **02.07.2018**. Sh.R.C.Verma was present on behalf of Sh.A.P.Mehra, appellant. Sh.Amarjot Singh, Sr.Assistant from the office of DPI Colleges Mohali was present on behalf of Respondent.

The PIO was directed to submit proof of dispatch of information relating to point A & I and exemption if any relating to point (F) and provide remaining information to the appellant in accordance with RTI Act within 15 days and send proof of dispatch of information to the Commission. The PIO was further directed to explain the reason for delay in providing the information and be present personally on the next date of hearing.

The case was again heard on **07.08.2018**. The order is reproduced hereunder:

The respondent present pleaded that the information relating to point –A has been provided to the appellant. The appellant pleaded that he has received the same but the PIO has not provided the action taken on the complaint. The PIO was directed to provide status of the enquiry. Regarding point-B, copy of directions be provided. Regarding point-C, to provide time period, regarding point-D- to provide copies of all proceedings. For remaining information which was to be provided, the PIO was directed to provide point-wise information in accordance with the RTI Act."

The case was last heard on **23.10.2018**. The appellant informed that the information has not been provided to him. The respondent was absent. The PIO was directed to send the information to the appellant within 10 days of the receipt of the orders of the Commission.

The case was last heard on **28.11.2018**. The order is reproduced hereunder:

"The respondent present pleaded that the information has been provided to the appellant. The appellant has pointed out some discrepancies in the information provided vide letter received in the Commission on 26.11.2018 which is taken on the file of the Commission.

I have seen the RTI application and the reply of the PIO and hereby directs the PIO to provide the copies of the proceedings regarding point-D. Regarding point-H, the appellant is directed to specify the documents that he needs and the PIO is directed to provide the information/documents as per RTI application. Rest of the information has been provided by the PIO to the best possible extent."

Hearing dated 21.01.2019

The respondent present pleaded that in compliance with the orders of the Commission, the information has been provided to the appellant. The appellant is not satisfied and stated that the information regarding point-D is not legible and the information regarding point –H is not as per the RTI application. The respondent pleaded that the appellant be asked to get the photo copy of the documents regarding point-D and regarding the information relating to point-H, the appellant be asked to inspect the available files (part-1 & II) relating to enquiry case of Sh.R.C.Verma, Retd. Principal V/s Hindu College, Amritsar and get the required information.

The appellant is directed to inspect both the files (Part-I & II) and get the requisite documents by paying the applicable fee under the RTI Act. The respondent is directed to allow the appellant to inspect the record and provide the information as per the RTI application. With this, the matter of information regarding points D& H is closed.

No further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated: 21.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Sandeep.Khattari,
126/B-6, Gulmohar city,
Dera Bassi, Mohali.

... Appellant

Versus

Public Information Officer,
GMADA, Sector-62,
Mohali.

First Appellate Authority,
GMADA, Sector-62,
Mohali.

...Respondent

Appeal Case No. 2137 of 2018

Present: **None for the Appellant**
 Sh.Ajay Sharma, PIO O/o Regional Dy Director, Local Govt. Patiala for the
 Respondent

ORDER:

The case was first heard on 04.09.2018. The appellant was absent. The respondent Ms.Poonam Katyal from the office of Chief Town Planner pleaded that they have received the RTI on 26.04.2018 which was transferred to the PIO STP SAS Nagar as the information pertains to them. Sh.Vinod Kumar, Clerk from Licensing Branch, Mohali pleaded that the information pertains to the Regional Dy Director, Local Govt. Punjab, Patiala and the RTI application has been transferred to them on 01.05.2018 as all the record relating to this colony Rosewood Estate Gulabgarh Dera Bassi was transferred to the Regional Dy. Director, Local Govt vide letter no.3472 dated 17.12.2014. The appellant has also been informed vide letter dated 31.08.2018 and a copy of the same is submitted to the Commission.

In view of the above, the PIO, Dy.Director, Department of Local Govt., Punjab, Patiala was directed to look at the RTI and provide the information to the appellant. The PIO was also directed to be present personally on the next date of hearing.

The case was last heard on **16.10.2018**. The respondent present pleaded that the information pertains to the Regional Dy Director, Local Govt. Punjab, Patiala and the RTI application has been transferred to them on 01.05.2018 as all the record relating to this colony Rosewood Estate Gulabgarh Dera Bassi was transferred to the Regional Dy. Director, Local Govt vide letter no.3472 dated 17.12.2014. The appellant was absent and did not inform whether he has received the information or not.

The PIO Regional Dy Director, Local Govt. Punjab, Patiala was again directed to provide the information and be present personally or through his representative on the next date of hearing.

The case was last heard on **28.11.2018**. The order is reproduced hereunder:

“The respondent present pleaded that the RTI application has already been transferred to the PIO Regional Dy Director, Local Govt. Punjab, Patiala. Regarding delay in transferring the application, the respondent pleaded that as per enquiry conducted, a Clerk Smt.Jyoti Kumari was found guilty and her explanation has been called for.

In the earlier hearings on 04.09.2018 & 16.10.2018, the PIO Regional Dy Director, Local Govt. Punjab, Patiala was directed to provide information as per RTI application forwarded to them by the PIO GMADA but no response has been received from the PIO. The PIO is absent on 3rd consecutive hearing.

Appeal Case No. 2137 of 2018

The Commission has taken a serious view of this. The PIO Regional Dy Director, Local Govt. Punjab, Patiala is hereby granted one last opportunity to be present personally on the next date of hearing with explanation for not attending to the RTI application otherwise the Commission will be constrained to take action under the RTI Act. The PIO is also directed to provide the information within 15 days.”

Hearing dated 21.01.2019:

The respondent PIO from the office of Regional Dy. Director Local Govt. Patiala is present and submitted a letter dated 16.01.2019 which is taken on the file of the Commission. In the letter, the PIO has stated that in reply to the RTI application which was transferred to them by the PIO GMADA, the appellant was informed vide letter dated 04.06.2018 that the name of the colony mentioned in the RTI application is M/s G.B.P. Rosewood-1 whereas in the file transferred by GMADA to them, the name of the colony is mentioned as Rosewood Estate and the appellant was asked to inspect the record file of this colony by visiting their office and get the information, with the deposit of requisite fee.

The appellant is absent. The Commission directs the appellant that if he is still interested to get the information, the appellant should contact the PIO concerned with reference to their letter for inspection and get the information. The PIO is directed to allow the appellant to inspect the record and provide the information.

No further course of action is required. The case is **disposed off and closed.**

Chandigarh
Dated: 21.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

P.S.: The appellant appeared late and a copy of letter of submitted by PIO before the Commission was handed over to the appellant. The appellant was asked to contact the PIO for inspection and get the information.

CC to: The PIO, Regional Dy. Director,
Department of Local Govt.,
Punjab, Patiala

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Sh.Charanjeet Singh,
112-D, SBP Homes Extn-
Sector-126, Chajju Majra Road,
Kharar.

... Appellant

Versus

Public Information Officer,
GMADA, Sector-62,
Mohali

First Appellate Authority,
GMADA, Sector-62,
Mohali

...Respondent

Appeal Case No. 2152 of 2018

Present: Sh.Charanjeet Singh as Appellant
None for the Respondent

ORDER:

The case was first heard on **04.09.2018**. The respondent was absent. The PIO was directed to provide the information within 15 days of the receipt of the orders of the Commission. The PIO was also directed to be present personally on the next date of hearing and explain the reasons for delay in responding to the RTI application.

The case was last heard on **16.10.2018**. The respondent present pleaded that the information does not pertain to them. The PIO was directed to ascertain which particular department handles the information and forward the RTI application to the concerned PIO within 5 days. The PIO was also directed to send compliance report to the Commission.

The case was last heard on **28.11.2018**. The order is reproduced hereunder:

“The respondent present informed that the information pertains to the Office of Registrar Co-operative Societies, Punjab and the RTI application has been transferred to them vide letter dated 23.10.2018. The appellant has not received the information.

The PIO, Registrar Co-operative Societies, Punjab is directed to provide the information to the appellant within 15 days as per RTI application forwarded to them by the PIO GMADA on 23.10.2018 and send compliance report to the Commission.”

Hearing dated 21.01.2019:

In the last order, the PIO-Registrar Co-operative Societies, Punjab was directed to provide the information within 15 days as per RTI application forwarded to them by the PIO GMADA on 23.10.2018 and send compliance report to the Commission. As per appellant, the PIO has denied the information on the plea that the information is in question form and cannot be provided. The appellant stated that now he does not want to pursue the case and shall file fresh RTI in the matter.

Since the appellant is not interested to pursue his case, no further course of action is required and the case is **disposed off and closed**.

Sd/-

Chandigarh
Dated: 21.01.2019

(Khushwant Singh)
State Information Commissioner

CC to The PIO, Registrar Co-operative Societies, Punjab
17 Bays Building, Sector 17, Chandigarh.

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Sector-16, Madhya Marg, Near Rose Garden, Chandigarh

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Sh Amarinder Singh, S/o Lt Sh Amarjit Singh,
R/o H.NO-1258, Sector-37-B, Chandigarh.

... Appellant

Versus

Public Information Officer,
GAMDA, Sector-62,
Mohali.

First Appellate Authority,
GAMDA, Sector-62,
Mohali.

...Respondent

Appeal Case No. 2206 of 2018

Present: **None for the Appellant**
Sh.Chanan Ram, PIO-CTP Mohali and Gulshan Kumar, PIO GMADA for the Respondent

ORDER: The case was first heard on 06.09.2018. Since both the parties were absent, the case is adjourned.

The case was again heard on **17.10.2018**. The appellant informed that he was asked by the PIO to deposit an amount of Rs.654/- for getting information which he has already deposited but the information has not been provided to him.

The respondent was absent. The PIO was directed to relook at the RTI application and provide the information to the appellant within 10 days and appear personally on the next date of hearing alongwith the reasons for not providing the information within the time prescribed under the RTI Act.

The case again came up for hearing on **28.11.2018**. The respondent present pleaded that the information regarding points 1 to 5 has been provided to the appellant and the information regarding point No.6 relates to the office of Chief Town Planner. The PIO present from the office of CTP pleaded that the appellant was asked to requisite fee of deposit Rs.654/- which the appellant deposited with the Administrator PUDA but the same has not been received by them.

However, the Commission found that since the delay in the receipt of Rs.654/- was their inter-departmental issue and the appellant was being harassed, the PIO-CTP was directed to provide the information regarding point No.6 within a week and send compliance report to the Commission.

Hearing dated 21.01.2019:

The appellant is absent and has not intimated whether he has received the information or not. The respondent present has produced a document where the appellant has put signature and received the information. It seems that the appellant is satisfied.

No further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated: 21.01.2019.

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: The PIO, Chief Town Planner, Punjab, Mohali

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Sh Ashok Kumar,
214, Pine Homes, Dhakoli,
Zirakpur

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Versus

... Appellant

Public Information Officer,
Chief Administrator, GAMDA,
Sector-62, Mohali.

First Appellate Authority,
Chief Administrator, GAMDA,
Sector-62, Mohali.

...Respondent

Appeal Case No. 2213 of 2018

Present: None for the Appellant
Ms. Suman Bala, AEO-cum-PIO GMDA for the Respondent

ORDER:

The case was first heard **on 06.09.2018**. The respondent was absent. The appellant stated that the information which has been sent is not as per the correct reference number of his RTI application which was 12.03.2018 but the quoted reference number is 03.04.2018. The appellant has also raised an objection that the information is not certified. He further informed that he is satisfied with the information regarding point No. 2 & 3

The PIO was directed to relook at the RTI application and sort out the discrepancy raised by the appellant and provide the information.

The case was again heard on **16.10.2018**. The respondent sought further time. The PIO was directed to comply with the previous orders of the Commission which still stands and provide the information to the appellant within 20 days. The PIO was also directed to explain the reasons for delay and not tending to the RTI application on an affidavit."

The case was last heard on **28.11.2018**. The order is reproduced hereunder:

"The respondent present pleaded that the information has been provided to the appellant. The appellant informed that he has not received the information regarding point No.1 and the information provided is not certified. The respondent is directed to provide certified copies of the information.

Regarding point No.1, the respondent pleaded that the information being third party, cannot be provided since the concerned parties have objected to part with their information. The PIO is directed to invoke appropriate section of the RTI Act if the information sought is being denied and respond to the appellant accordingly."

Hearing dated 21.01.2019:

The respondent present pleaded that since the information regarding point-1 is third party information, it cannot be provided u/s 11 of the RTI Act. The respondent has submitted a list of documents which were submitted by the aspiring stakeholders while making their bids as per the Request for Proposal for setting up a World Class Technology University

The Commission will go through the list and will adjudicate the matter on the next date of hearing.

The case is adjourned. Both the parties to be present on **13.03.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 21.01.2018.

Sd/-
(Khushwant Singh)
State Information Commissioner