



Sh. Tarjinder Singh,
S/o Sh. Mohan Singh,
R/o House No.60, Royal Residency,
Nijjer-Chhaju Majra Road,
Sector-127, Chhaju Majra,
P.O-Landran.

Appellant

Versus

Public Information Officer,
O/o Executive Officer,
Municipal Council,
Kharar, Distt. SAS Nagar.

First Appellate Authority,
O/o Executive Officer,
Municipal Council,
Kharar, Distt. SAS Nagar.

Respondents

Appeal Case No.2828/2018

Date of RTI application: 20.05.2018
Date of First Appeal : 23.06.2018
Date of Order of FAA or Reply: Nil
Date of 2nd Appeal/complaint: 20.08.2018

Present: **Sh. Tarjinder Singh, Appellant in person.**
Sh. Amit Kumar, SDO, MC office, Kharar – for Respondents.

Order

The following order was made by this forum on 13.12.2018:

“A simple information pertaining to a residential project in the jurisdiction of the Public Authority has been sought. The chronology of filing application, first appeal and second appeal has been mentioned above. A dodgy reply which is without any authenticity of its postage has been sent to the appellant with frivolous objections which are not sustainable. The identity of the appellant is very much there in the shape of a copy of the Aadhaar card. A non-sustainable plea of third party information has also been taken to refuse the information.

The Commission understands that the Public Authority is dealing with the issue since its inception. Such inane observation does not speak well of it. It can be construed that it is malafidely stone-walling the information which is entitled to a citizen. They have not given a

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convincing explanation orally on hearing as well. The Commission considers that a willful attempt has been made to withhold and deny the information to the appellant.

According, Sh. Rajesh Kumar, PIO – cum – E.O., Municipal Council, Kharar is 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 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. Meanwhile he will ensure that the sought for information is supplied to the appellant before the next date of hearing positively.”

“The case has come up today. The Commission is constrained to find that despite the issue of show cause notice the respondents have maintained a stoic stance. A final opportunity is afforded to the PIO – cum – Executive Officer, M.C., Kharar, to explain his conduct. Meanwhile he

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should ensure to suitably inform the appellant.”

The case has again come up today for hearing. The appellant submits that he is in receipt of information to his satisfaction and no more intends to pursue the case. The respondents regret the delay. They are cautioned to be watchful in future.

Disposed.

21.02.2019

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