



Sh. Tejinder Singh
R/o Village Bholapur, PO Ramgarh
Chandigarh Road, Ludhiana.

Appellant

Versus

Public Information Officer,
O/o Asstt. Excise & Taxation Commissioner,
Patiala, Punjab.

First Appellate Authority,
O/o Excise & Taxation Commissioner,
Mohali, Punjab.

Respondents

Appeal Case No.77/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
29.09.2018	Nil	01.10..2018	Nil	18.12.2018

Present: Sh.Tejinder Singh, Appellant is absent.
Sh.Ram Singh, ETO, O/o ETC (HO), Patiala – for Respondents.

ORDER

The following order was made on 28.03.2019:-

“The appellant had sought information about the various Regulations governing the dispensation and control on sale of liquor in the State.

The respondents have field a written reply. They state that the Appellant was duly informed vide their communication dated 11.10.2018 along with the copies of the relevant notifications, rules etc. The Commission has seen the reply. Apparently, it seems in order. An opportunity is afforded to the appellant to react on the submissions thus made by the respondents failing which it shall be presumed that he has nothing to say on the matter.”

The matter is being heard again today. The Appellant has sent a communication to the Commission and has sought an adjournment on the plea that he has to attend the Court of Judicial Magistrate, Ludhiana. He further states that he had conveyed some deficiencies in the information provided to him which has not been dealt with by the PIO.



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Appeal Case No.77/2019

Sh. Ram Singh, ETO, O/o Excise & Taxation Commissioner, Punjab, Patiala states that no communication has been received by them. The Appellant should have endorsed the communication pointing out deficiencies to the Commission also so that appropriate measures should have been taken. As already observed in the above made order, the Commission finds that the information is almost complete with reference to his original application. Repeated adjournments tend to erode the public resources by repeated visits of senior functionaries to the Commission.

The Commission is not inclined to further protract the matter and feels that the Appellant has sufficiently been informed. No further intervention of the Commission is required and the appeal is **disposed**.

23.04.2019

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

PUNJAB STATE INFORMATION COMMISSION
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Sh. Kuldeep Singh Walia,
S/o Late Shri Harjit Singh,
R/o Flat No.1506, 2nd Floor,
Housefed Complex, Banur(Pb.)

Complainant

Versus

Public Information Officer,
O/o Commissioner,
Municipal Corporation,
S.A.S. Nagar (Mohali).

Respondent

Complaint Case No.175/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
23.07.2018	Nil	Nil	Nil	06.02.2018

Present: Sh. Kuldeep Singh, complainant is present.
Sh. Ranjeev Kumar, Secretary, Municipal Corpn., Mohali.

ORDER

The following order was passed by this forum on 28.03.2019:-

“Sh. Karam Chand Sood appearing on behalf of the respondent has produced a copy of the reply which does not concern the complaint in hand. The complainant referred to the information about the completion certificate having been issued by the MC to the Housefed in respect of its complex in Banur on which they are silent.

The Commission takes a strong exception about the slipshod way the original application has been dealt with by the respondent. The PIO is desired to file a written reply to the notice of the Commission with a copy to the complainant besides providing him the information sought for. He will also explain delay in providing the information before the next date of hearing positively failing which penal consequences shall follow.”

The case has come up today for hearing. Sh. Ranjeev Kumar, Secretary, has come present on behalf of the respondent. He has submitted a written reply wherein it has been stated that the housing complex raised by HOUSEFED does not fall within the jurisdiction of Municipal Corporation, Mohali. They are only mandated to furnish a certificate regarding installation of the fire -



Complaint Case No.175/2019

fighting equipment in such buildings, the information relating to which has already been provided. As far as the completion certificate is concerned, the same falls within the jurisdiction of Municipal Council, Banur, which had informed the complainant about the status of the same vide letter no. 1384 dated 31.08.2018.

The Commission feels that the complainant has sufficiently been informed and no further intervention of the Commission is called for. The complaint is **filed**.

23.04.2019

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



Shri Bharpur Singh,
S/o Shri Sarwan Singh,
R/o Village Lubhana Teku, Tehsil Nabha,
District- Patiala.

Appellant

Versus

Public Information Officer,
O/o Block Development & Panchayat Officer,
Nabha, District Patiala.

First Appellate Authority,
O/o District Development & Panchayat Officer,
Patiala.

Respondents

Appeal Case No.3140/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
20.06.2018	Nil	17.07.2018	Nil	17.09.2018

Present: Sh. Bharpur Singh, Appellant in person.
None on behalf of Respondents.

ORDER

The Commission had made the following order on 28.03.2019:-

"This should be read in continuation of order passed by this forum on 13.11.2018.

The case has come up today. Sh. Baljit Singh, Panchayat Secretary appearing on behalf of the respondents says that he has recently joined and assures to provide the information expeditiously. While accepting his request the Commission directs him to part with the information and file an explanation in writing for the delay before the next date of hearing failing which it shall be presumed that he has nothing to say and the order shall be passed on the appraisal of facts on record."

"The matter has been taken up today. Mrs. Kamaljit Kaur, Superintendent, is present on behalf of the respondents. She has brought along the information which has been handed over on spot to the appellant. The appellant alleges serious irregularities on the part of the gram panchayat in cahoot with the Panchayat Secretary. Be that as it is the appellant may like to go through the information provided and convey in writing the deficiency, if any, before the next date of hearing."

Contd....page...2



Appeal Case No.3140/2018

The matter has again come up today. The appellant is still dissatisfied as the information provided, according to him, is unattested. Sh. Baljit Singh, Panchayat Secretary appearing on behalf of the respondents undertakes to attest it here and now only. It also transpires that the copies of Measurement Book being maintained by the J.E. for execution of works have not been provided. The J.E. is directed to provide him the copies of the M.B. as asked for in the original application. The BDPO shall monitor it. The J.E. shall be deemed as PIO and is directed to comply with the aforesaid instructions."

Today, the respondents are absent. No written reply has been filed. The Commission takes strong exception of their negligent and cavalier conduct. In the aforesaid order, the J.E. was directed, in no uncertain terms, to provide to the Appellant the copies of the Measurement Book maintained by him during the execution of works. However, the directions of the Commission have gone abegging. The Appellant alleges that the Panchayat has embezzled a hefty sum from the amount of Rs.70.00 lacs drawn by them by fudging the record. In the scenario, the conduct of the respondents raises some serious questions of propriety. The BDPO and Junior Engineer on whom the onus was put by the Commission to provide the information, are hereby issued show cause notice to explain in a self- attested affidavit as to why a penalty of Rs.25,000/-, be not imposed under Section 20(1) of RTI Act, 2005 on them 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.

To come up on **11.06.2019 at 11.30 AM.**

23.04.2019

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



Smt. Harpreet Kaur
W/o Sh.Rajwinder Singh
R/o H.NO.:849, Sante Majra
Ward No.16, PO Landran,
Kharar, District Mohali.

Complainant

Versus

Public Information Officer
O/o Senior Superintendent of Police
S.A.S. Nagar (Mohali).

Respondent

Complaint Case No.174/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
01.06.2018	Nil	Nil	Nil	12.02.2019

Present: Smt. Harpreet Kaur, Complainant in person.
None on behalf of Respondents.

ORDER

The Commission had made the following order on 28.03.2019:-

"The complainant is aggrieved with the action of the civil authorities and the local Police towards demolition of the wall of her house and her detention by the Police.

HC Surjit Singh appearing on behalf of the respondents says that the Police was deployed for maintaining law & order. The Commission is not convinced with their response. They are directed to file written reply to the notice of the Commission before the next date of hearing."

Today, the complainant is present, but none is present on behalf of the Respondents. The Commission takes serious note of their absence. The PIO is hereby desired to show cause as to why penalty be not imposed under Section 20(1) of RTI Act, 2005 on them for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Complainant under Section 19 (8) (b) of the Act for the detriment suffered by him.

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Complaint Case No.174/2019

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 **11.06.2019 at 11.30 AM.**

23.04.2019

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

P.S. H.C Harwinder Singh, the representative of Respondent, SHO Police Station, Kharar came present late for the hearing at 1.45 PM. He has produced letter No.2173/5A/PS City Kharar, containing General Diary Details, copy of RTI application, letter of EO, M.C. Kharar to SHO PS Sadar, Kharar to provide Police assistance, notice issued to husband of complainant to remove encroachment etc.



Sh. Rajesh Kumar Bharti,
R/o #70/2 Gali No. 15-14 B,
Sawatantar Nagar, Narela, Delhi-40.

Appellant

Versus

Public Information Officer,
O/o Executive Officer,
Municipal Council,
Zirakpur, Distt. Mohali.
First Appellate Authority,
O/o Additional Director,
Local Government,
Plot No. 3, Dakshin Marg, Sector-35A, Chandigarh.

Respondents

Appeal Case No.3265/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
15.04.2018	Nil	24.05.2018	Nil	21.09.2018

Present: None on behalf of the Appellant.
Sh. Lakhbir Singh, Building Inspector, MC office, Zirakpur,
On behalf of PIO/ Respondent.

ORDER

The following order was made by the Commission on 28.03.2019:-

"Having failed to procure the information vide his application dated 24.05.2018 and first appeal, the appellant has been constrained to file second appeal with the Commission. He is seeking information primarily relating to the specifications of a road and the encroachments thereof, if any. The respondents have stone-walled his application for information despite following the proper course.

Sh. Vikas Kumar, Clerk O/o Director, Local Government, Punjab, is present. He says that his application was duly forwarded to the PIO, O/o Municipal Council, Zirakpur. None is present on behalf of the PIO, O/o M.C., Zirakpur nor any written reply has been received to the notice of the Commission.

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Appeal Case No.3265/2018

The Commission takes a very strong exception to such a stoic conduct. Apparently, the PIO has violated the provision of Section 7(1) of the Act and rendered himself liable for penal consequences.

The jurisdictional PIO – cum – Executive Officer, Municipal Council, Zirakpur 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.”

“The matter has again been taken up today. Sh. Girish Verma, PIO – cum – EO, MC, Zirakpur was issued a show cause notice. Neither he has come present nor has he filed a written explanation. His proxy is seeking an adjournment. The matter shall be reheard on 28.03.2019 at 11.30 AM.”

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Appeal Case No.3265/2018

The matter has again come up today. It seems that the Executive Officer, M.C., Zirakpur is defiant and disdainful to the Commission's orders/directions. He is hereby directed to appear in person on the next date of hearing along with an affidavit explaining his conduct and the original record pertaining to the information sought. The Commission underlines that he will further ignore these orders at the cost of serious consequences."

Today, the Appellant is absent. On behalf Respondents, Sh. Lakhbir Singh, Building Inspector comes present. He states that they have not received the orders stated to have been passed by the Commission. He seeks adjournment to supply the requisite information. **The matter shall be taken up on 11.06.2019 at 11.30 AM.**

23.04.2019

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



Sh. Sanjeev Kumar Birla,
R/o #5473/2, Modern Housing Complex,
Manimajra, Chandigarh - 160101.

Appellant

Versus

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

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

Respondents

Appeal Case No.3918/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
29.06.2018	Nil	10.09.2018	Nil	15.11.2018

Present: Sh. Sanjiv Kumar Birla, Appellant is absent.
Sh. Lakhbir Singh, Bldg. Inspector, MC office Zirakpur – for Respondents.

ORDER

This in continuation of order passed by this forum on 28.03.2019.

Sh. Lakhbir Singh, Building Inspector, comes present on behalf of the Respondents.

He states that in compliance with the order passed by the Commission, reply has been sent to the Appellant. As the Appellant is absent, the Commission feels that an opportunity is desirable to be afforded to him to ascertain his satisfaction with the sufficiency of information.

The matter shall be reheard on **11.06.2019 at 11.30 AM.**

23.04.2019

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

PUNJAB STATE INFORMATION COMMISSION
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Sh. Rajeev Diwan,
R/o House No. 12, Golden City, Near APJ School,
Mundi Kharar, SAS Nagar.

Appellant

Versus

Public Information Officer,
O/o Sub District Magistrate,
Kharar, District-SAS Nagar.

First Appellate Authority,
O/o Sub District Magistrate,
Kharar, District-SAS Nagar.

Respondents

Appeal Case No.703/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
27.06.2018	Nil	01.10.2018	Nil	21.02.2019

Present: Sh. Rajiv Dewan, Appellant in person.
Sh. Deepak Bhardwaj, Naib Tehsildar, Kharar and
Ms. Baljit Kaur, PIO, O/o SDM, Kharar – for Respondents.

Order:

On 28.30.2019, the following order was passed:-

“The appellant is aggrieved with an action on the part of the respondents to evict him from the property following an order of ADC (G) – cum – Collector, SAS Nagar passed under the Senior Citizens Act, 2007. It is his contention that the respondents acted malafidely in implementing a non-est order dated 07.12.2017 which had been revised on 01.02.2018 by ADC, Mohali himself. It was confirmed by the Deputy Commissioner, Mohali, as well. He alleges that without waiting for the period available with him to comply with the order, the respondents in collusion with the local Police evicted him from the house whereas the aforementioned revised order mandated him to vacate the ground floor only. He further alleges that their household articles were dispatched in a truck which have still not been handed over to him. The appellant is seeking to know the copy of the proceedings/panchnama drawn enlisting the details of articles removed etc. while implementing the aforesaid order.



Appeal Case No.703/2019

During the discussion it was observed that the Tehsildar Kharar and the local SHO are passing the buck on each other. The Commission understands that the proceedings along with the list of items should have been drawn by the revenue authorities only. The deployment of police is only to ensure the maintenance of the law & order. The Tehsildar Kharar is desired to provide him a copy of the proceedings having been recorded at the time of the eviction failing which it shall be presumed that he is malafidely withholding the information and the penal consequences shall follow. The SHO, Kharar whose officers accompanied the revenue authorities should file an affidavit that the entire record associated with the execution of eviction orders available with them has been provided to the appellant. They shall also explain in writing the delay in providing the information without fail."

The case has come up today. Shri Deepak Bhardwaj, Naib Tehsildar and Mrs. Baljit Kaur, PIO, Office of SDM, Kharar come present and have filed their respective self-declaration in the court stating that the information comprising 42 pages has been shown to the Appellant and no document/information, besides the above, is available in their record. The Commission sees no reason to disbelieve if the statements made by the revenue authorities. The logical inference that can be drawn is that the available information has been provided to the Appellant. However, the Commission desires the Deputy Commissioner, Ropar to have the matter looked into and take appropriate action not only to procure to the appellant his household articles but also to see that the officials having failed to observe the procedure, are also chastised.

Disposed.

23.04.2019

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

CC: The Deputy Commissioner, Ropar for necessary action.



Sh. Baldev Kumar,
S/o Sh. Surjit Ram,
R/o #1789, Near Shiv Mandir, Sector 11,
College Colony, Dera Bassi, Distt. Mohali.

Complainant

Versus

Public Information Officer,
O/o Executive Officer,
Nagar Council,
Dera Bassi, Distt. Mohali.

Respondent

COMPLAINT CASE NO.691/2018

Date of RTI application: 14.05.2018
Date of First Appeal : Nil
Date of Order of FAA or Reply: Nil
Date of 2nd Appeal/complaint: 25.06.2018

Present: **Sh. Baldev Kumar, Complainant in person.**
Sh.Sarabjit Singh, Building Inspector, NC office, Dera Bassi – for Respondent.

ORDER

The following order was passed on the last date of hearing on 28.03.2019:-

“The complainant is aggrieved with the respondent for having failed to sanction the building plan submitted by him despite having deposited Rs.76,940/- as building approval fee. He has put some posers to the Public Authority.

In their reply the respondent has denied to give him the information branding it a questionnaire. It is not permissible according to them under the RTI Act. The respondent says that the complainant has submitted in writing to them that he is not interested to follow his complaint and as such the issue be closed. The complainant, on the other hand, alleges that it has been obtained under duress.

The Commission directs that the available information on record should be provided to the complainant. The stance of the respondent that questions are being asked is not sustainable. He has sought some relevant replies as the sanctioning of his building plan has been withheld despite the demand and deposition of a handsome amount.”



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COMPLAINT CASE NO.691/2018

The matter has been taken up today for hearing. Sh. Jaswant Singh, JE appearing on behalf of the respondent says that they have sent a communication to the complainant with the details of the facts on file. The Commission has gone through it. The respondent has not communicated the complete information to him. It lands us nowhere. The original application was filed by him on 14.05.2018. Despite a lapse of about nine months the respondent has stone-walled the information sought by him.

The Commission feels that the respondent has violated the provisions of the RTI Act and has rendered themselves liable for penal consequences. The incumbent PIO is, thus, 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 Complainant 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.

While giving the reply he would also give the history of postings of the Executive Officers who had been sitting over his application ever since”.

The case has come up today. Both the parties are present and have been heard afresh.



COMPLAINT CASE NO.691/2018

It transpires that the ownership of land, with reference to which, the building plan has been submitted for sanction, has been disputed and pending adjudication in a Civil Court. The Commission feels that in such a scenario, the respondents are justified in withholding sanction of the building plan. However, the Commission finds that the respondents are illegally detaining the fee deposited by the Complainant. This should be refunded to him immediately, till the matter about the title of the land is finally clinched.

Disposed.

23.04.2019

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