



Smt Satwinder Kaur,
1-B, Ajit Enclave, Dhakoli,
Zirakpur, Mohali

... Complainant

Versus

Public Information Officer,
O/o XEN, PSPCL,
Zirakpur Circle, Zirakpur.

...Respondent

Complaint Case No. 1133 of 2018

Present: Smt.Satwinder Kaur for the Complainant
Sh.Gaurav Kamboj AEE O/o PSPCL Zirakpur for the Respondent

Order:

The case was last heard on 04.02.2019. Since both the parties were absent, the case was adjourned.

Hearing dated 24.04.2019:

The complainant through RTI application dated 28.12.2017 has sought information on 5 points regarding reasons for excess bill than consumption, reason for non reply of letters, reason for replacement of electric meter and other information concerning the office of Xen PSPCL Zirakpur. The complainant was not satisfied with the reply of the PIO dated 21.05.2018 after which the complainant filed complaint in the Commission on 11.09.2018.

The respondent present pleaded that the information has been provided to the complainant vide letter dated 21.05.2018. The complainant is not satisfied and claims that the information has not been provided as per the RTI application.

Having gone through the RTI application and the reply of the PIO, the Commission observes that the point-1 has been suitably replied and points 2 & 4 do not qualify as information under the RTI Act. Regarding points 3 & 5, the PIO is directed to relook at the RTI application and provide the information on these points. The PIO is also directed to provide supporting documents pertaining to this information.

The case is adjourned. Both the parties to be present on **04.06.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 24.04.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - sicsic30@punjabmail.gov.in
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Sh. Karan Singh, S/o Sh. Shyam Singh,
79, High Land Society, Baltana, Zirakpur.

... Appellant

Versus

Public Information Officer,
State Transport Commissioner,
Sector-17, Chandigarh.

First Appellate Authority,
State Transport Commissioner,
Sector-17,
Chandigarh.

...Respondent

Appeal Case No. 1751 of 2018

Present: Sh.Karan Singh as the Appellant
Sh.Gurpal Singh, APIO, PIO for the Respondent

ORDER:

The case was first heard on **29.08.2018**. The appellant petitioned for the information, as well as appropriate action against the PIO in accordance with the RTI Act for the delay in tending to his RTI application.

Sh.Gurpal Singh, APIO was present for the respondent. The respondent claimed that the record pertaining to the information sought is missing and sought more time to trace the record. The plea of the respondent was accepted and the case was adjourned with the instructions that the department makes a diligent effort to trace the file.

The case was again heard on **17.10.2018**. The APIO, Gurpal Singh in this hearing had changed the earlier stand of the missing file to deny information, to a different reason that even though the file has been traced, the office of the State Transport Commissioner cannot part with the information. The PIO attached an order of the Government of Punjab dated 23.02.2006 whereby it had notified exempting certain organizations from the Act.

On close scrutiny of the reply submitted by the PIO, it was observed that the PIO's reply is not in accordance with the RTI sought since the information sought was about usage of official vehicles attached with a former Minister, and hence had nothing to do with the Chief Minister's security.

The appellant pleaded that his RTI application pertains to the expenditure and names of drivers attached to former Minister's vehicles and has nothing to do with the security cover provided to the minister, Chief Minister or the Minister concerned. The appellant sought an adjournment due to ill health as well as to prepare and file his reply to the exemption that the respondent has sought.

The case was last heard on **22.01.2019**. The order is reproduced hereunder:

"The appellant is absent without intimation to the commission. In the last hearing the appellant had sought an adjournment to file a reply to respondent's reasons for denying the information which are recorded in the order of the earlier hearing of 17.10.2018.

Appeal Case No. 1751 of 2018

The respondent, after the commission's scathing observation of it trying to stone wall the information, has brought the information for point No-2. The respondent is directed to send the information of point No.2 to the appellant by registered post.

For information regarding point number-1 the respondent has pleaded for more time. The reason they have cited is that since the record asked is for ten years, it is voluminous in nature, for which more time is required."

Hearing dated 24.04.2019:

The respondent present has brought the information and handed over to the appellant. The appellant wants to go through the information to point out the discrepancies, if any.

The case is adjourned. To come up for further hearing on **04.06.2019 at 11.00 A.M.**

Chandigarh
Dated: 24.04.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Karan Singh, S/o Sh.Shyam Singh,
79, High Land Society, Baltana, Zirakpur.

... Appellant

Versus

Public Information Officer,
State Transport Commissioner,
Sector-17, Chandigarh.

First Appellate Authority,
State Transport Commissioner,
Sector-17, Chandigarh.

...Respondent

Appeal Case No. 1752 of 2018

Present: Sh.Karan Singh as the Appellant
Sh.Gurpal Singh, APIO for the Respondent

ORDER:

The case was last heard on **29.08.2018**. Sh.Gurpal Singh, APIO was present. The respondent pleaded that the information was sent to the appellant on 17.04.2018. The appellant pleaded that he has not received the information. The respondent again brought the information and handed over to the appellant.

The appellant was asked to go through the information and inform the discrepancy, if any, to the PIO. The PIO was directed to remove the discrepancy.

The case was again heard on **17.10.2018**. The appellant informed that no information has been provided to him. The respondent at this hearing had changed his stand from providing the information to not providing the information. The PIO attached an order of the Government of Punjab dated 23.02.2006 whereby it had notified exempting certain organizations from the Act.

On close scrutiny of the reply submitted by the PIO, it was observed that the PIO's reply is not in accordance with the RTI sought since the information sought was about usage of official vehicles attached with a former Minister, and hence had nothing to do with the Chief Minister's security.

The appellant pleaded that his RTI application pertains to the expenditure and names of drivers attached to former Minister's vehicles and has nothing to do with the security cover provided to the minister, Chief Minister or the Minister concerned. The appellant sought an adjournment due to ill health as well as to prepare and file his reply to the exemption that the respondent has sought.

The case was last heard on **22.01.2019**. The order is reproduced hereunder:

“The appellant is absent without intimation to the commission. In the last hearing the appellant had sought an adjournment to file a reply to respondent's reasons for not providing the information which are recorded in the order of the earlier hearing of 17.10.2018.

The respondent present has pleaded for more time citing the reason that since the record asked is for ten years, it is voluminous in nature, for which more time is required.”

Appeal Case No. 1752 of 2018

Hearing dated 24.04.2019:

The respondent present reiterated his earlier plea to not to provide the information. The appellant has filed a reply to the exemption that has been sought by the PIO which is taken on the file of the Commission. In the reply the appellant has cited judgments of the Hon'ble High Court in case titled Additional Director General of Police v/s State Information Commissioner, decision of Central Information Commission in case titled Subhash Chandra Aggarwal v/s CPIO, President's Secretariat, New Delhi. A copy of the reply has been provided to the respondent.

The case is adjourned. To come up for further hearing **on 04.06.2019 at 11.00AM.**

Chandigarh
Dated: 24.04.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Karan Singh, S/o Sh. Shyam Singh,
79, High Land Society, Baltana, Zirakpur.

... Appellant

Versus

Public Information Officer,
State Transport Commissioner,
Sector-17, Chandigarh.

First Appellate Authority,
State Transport Commissioner,
Sector-17,
Chandigarh.

... Respondent

Appeal Case No. 1753 of 2018

Present: Sh. Karan Singh as the Appellant
Sh. Gurpal Singh, APIO for the Respondent

ORDER:

The case was last heard on **29.08.2018**. The appellant petitioned for the information, as well as appropriate action against the PIO in accordance with the RTI Act for the delay in tending to his RTI application.

The respondent denied the information on points 1, 2, & 3 stating that the information sought is in the question form and cited an order of Chief Information Commissioner on dated 21/4/2006 whereby it is stated that the PIO is not obliged to provide information if it is in question form. The respondent, at the hearing, also cited security reasons for denial of information.

The matter before the commission to adjudicate was:

- 1) That whether the reasons for denial of information hold any ground under the RTI Act, 2005 or are mere pretexts to deny information.
- 2) That if the RTI application appears to be in question form, can it become a ground for denial of information, even though the information may be available with the Public Authority?
- 3) That whether the appellant has applied for information in a coherent form?

The Commission passed the following interim order

Interim Order-

1) The commission finds that the reason that divulging information about security men and drivers of a former minister can become a security hazard is rather far-fetched. A mere assumption cannot become a basis to deny information unless backed by material evidence. The PIO is hereby directed to cite the appropriate RTI Act rule, which exempts such information to be shared.

2) The PIO is also directed to mention the sections of the RTI Act under which the information has been denied in the letter (No-3631 dated 24/8/18) since denial of information has to be based on exemptions granted under the RTI Act and not arbitrarily.

3) The appellant is also hereby directed to be more specific with the identities of the persons about whom the information is being sought. Just writing two names and asking which minister they were attached to as drivers, and assuming that the public authority should know exactly that whom the appellant is referring to, is an unseemly way of seeking information. For example, if the appellant is seeking information about driver Kamal Kishor he should be more elaborate to identify the Kamal Kishor he is asking about. If not, then he should identify the Minister with whom he was attached to seek information about him. Obviously, there can be more than one Kamal Kishore and there can be many who are not attached with a minister. The appellant is hereby ordered to be more specific with the information that he seeks and bring the clarification at the next date of hearing.

The case was last heard on **17.10.2018**. The respondent at this hearing changed the reasons to not provide information. The PIO attached an order of the Government of Punjab dated 23.02.2006 whereby it had notified exempting certain organizations from the Act

On close scrutiny of the reply submitted by the PIO, it was observed that the PIO's reply was not in accordance with the RTI sought. The information sought is about Mr. Davinder Singh (Belt number 833), Mr. Bawa Singh (Driver) and one Kamal Kishor (Driver) that with which minister/ official and government vehicle was he attached as a driver and hence has nothing to do with the Chief Minister's security.

The appellant pleaded that his RTI application pertains to the expenditure and names of drivers attached to former Minister's vehicles and has nothing to do with the security cover provided to the minister, Chief Minister or the Minister concerned. The appellant sought an adjournment due to ill health as well as to prepare and file his reply to the exemption that the respondent has sought.

The case was last heard on **22.01.2019**. The order is reproduced hereunder:

"The appellant is absent without intimation to the commission. In the last hearing the appellant had sought an adjournment to file a reply to respondent's reasons for not providing the information which are recorded in the order of the earlier hearing of 17.10.2018.

The respondent after the commission's scathing observation of it trying to stone wall the information, has brought the information.

The appellant is absent. A copy of the information brought by the respondent is being enclosed with the order."

Hearing dated 24.04.2019:

The respondent present pleaded that the information has been provided to the appellant. The appellant claims that the PIO has not provided the information regarding distance covered per month with month-wise expenses. The PIO is directed to provide the information regarding distance covered with month-wise expenses for all the 3 points.

The case is adjourned. To come up for further hearing on **04.06.2019 at 11.00 A.M.**

Chandigarh
Dated: 24.04.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Hakam Singh, S/lo Sh.Darshan Singh,
R/o Madhir , Tehsil Giderbaha,
Distt.Shri Mukatsar Sahib.

..... Appellant.

Versus

Public Information Officer,
O/o BDPO, Malout,
Distt.Shri Mukatsar Sahib.

First Appellate Authority,
O/o DDPO,
Distt.Shri Mukatsar Sahib.

...Respondent

Appeal Case No. 1776/ 2018

Present: None for the Appellant
Sh.Jaswant Singh, PIO-BDPO Malout for the Respondent

ORDER:

The case was first heard on **14.08.2018**. Since both the parties were absent, the case was adjourned.

The case was again heard on **08.10.2018**. Both the parties were absent. The case was adjourned. The PIO was directed to be present personally on the next date of hearing and explain the reasons for not attending to the RTI application in accordance with the RTI

The case again came up for hearing on **20.11.2018**. The appellant informed that he has not received the information so far.

The respondent was absent on 3rd consecutive hearing and did not provide the information to the appellant. The PIO was issued a show cause **under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time** and the PIO was directed to file an affidavit in this regard, if there are other persons responsible for the delay in providing the information, the PIO was directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

The case again came up for hearing on **05.02.2019** through Video Conference facility available in the office of Deputy Commissioner, Sri Mukatsar Sahib. The appellant informed that the information has not been provided. The PIO was absent on 4th consecutive hearing and nor had replied to the show cause. The appellant pleaded that he has been harassed by not providing the information after a lapse of one year, the PIO be panelized and suitable compensation be given to the appellant for unnecessary harassment and delay in providing the information.

Keeping the above facts of the case in mind, A penalty of **Rs.15,000/-** was imposed upon the PIO, BDPO, Malout and the PIO,BDPO Malout was directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury.

Further, the Commission was of the view that since the appellant has had to suffer undue inconvenience to get the information, The PIO was directed to pay an amount of **Rs.5000/-** via demand draft drawn through Govt. Treasury as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting information in time. The PIO was directed to duly inform the Commission of the compliance of the order and submit proof of having compensated the appellant. The PIO was also directed to provide the information to the appellant within a week and send a compliance report to the Commission.

The case was last heard on **19.03.2019**. The order is reproduced hereunder:

“This order should be read in continuation to the earlier whereby the PIO was imposed a penalty of Rs.15000/- and compensation of Rs.5000/- and the PIO was directed to duly inform the Commission of the compliance of the order.

The respondent has submitted a reply stating that due to implementation of smart village schemes of the State Govt and other additional official workload, the PIO could not appear and reply to the show cause.

The PIO has however, not brought the proof of deposition of penalty amount and money draft of compensation amount. The PIO is directed to comply with the earlier order of the Commission which still stands, and be present personally on the next date of hearing along with the proof of having deposited the penalty amount in Govt Treasury, and proof of having compensated the appellant. The PIO is directed to provide the information to the appellant within a week and send a compliance report to the Commission.”

Hearing dated 24.04.2019:

The respondent present pleaded that as per order of the Commission, they have deposited the penalty amount of Rs.15000/- in the Govt Treasury and submitted a copy of challan as a proof of deposition of the amount in the Govt.Treasury. The respondent has also provided compensation amount of Rs.5000/- to the appellant vide demand draft No.013655. The respondent further informed that the information has also been provided to the appellant.

Since the information and compensation stands provided and the PIO has deposited the penalty amount in the Govt Treasury, no further course of action is required.

The case is **disposed off and closed**.

Chandigarh
Dated: 24.04.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Dilawar Singh,
18, Tetterhall Road, Wolverhampton,
WV 14 SL, U.K, England.

.... Appellant.

Versus

Public Information Officer,
Deputy CE/Op.Circle,
PSPCL, Hoshiarpur

First Appellate Authority,
Chief Engineer, North Zone,
PSPCL, Jalandhar.

...Respondent

Appeal Case No. 2352 of 2018

Present: **None for the Appellant**
Sh.Subhash Chander, AE PSPCL, Mahilpur Sub Division for the
Respondent

ORDER: The case was first heard on **11.09.2018**. The respondent present pleaded that the available information has been sent to the appellant vide letter dated 04.05.2018. He further pleaded that the remaining information which the appellant was asking, related to the record for the year 1976 which was not available in their office.

The appellant was absent and sought adjournment due to ill health. The appellant vide email requested that the next date of hearing be fixed in the end of Dec.2018 since he is an NRI living in England. The appellant was asked to clarify to the Commission that whether he is a bonafide citizen of India.

The case was last heard on **14.01.2019**. The order is reproduced hereunder:

“The respondent present reiterated their earlier plea that the available information has already been provided to the appellant and the remaining information which the appellant is asking, relates to the record for the year 1976 which is not available in their office.

The appellant is absent. Vide email, the appellant has sought adjournment on medical grounds and requested for further hearing in the month of April,2019. The adjournment is granted. The appellant is asked to be present at the next date of hearing otherwise the case will be decided ex-parte.”

Hearing dated 24.04.2019:

The respondent present reiterated their earlier plea that the available information has already been provided to the appellant and the remaining information which the appellant is asking, relates to the record for the year 1976 which is not available in their office.

The appellant is absent and vide email has asked for adjournment. However, I have gone through the file and found that the information has been provided to the best possible extent.

Since the information stands provided and the appellant has been given sufficient opportunities of hearing, there is no reasons to keep the case pending for long.

The case is **disposed off and closed**.

Chandigarh
Dated: 24.04.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Ph: 0172-2864114, Email: - sicsic30@punjabmail.gov.in
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Sh S.P Goyal,
2-C, Sarabha Nagar, Gurudwara Road,
Ludhiana.

Appellant.

Versus

Public Information Officer
O/o District & Session Judge,
District Court, Ludhiana.

First Appellate Authority,
O/o District & Session Judge,
District Court, Ludhiana.

...Respondent

Appeal Case No. 3271 of 2018

Present: None for the Appellant
Sh. Om Parkash, Superintendent-cum-PIO O/o District & Session Judge,
District Court, Ludhiana.

Order:

The case was first heard on **28.01.2019**. The respondent present reiterated the decision of the PIO and the First Appellate Authority whereby the PIO denied the information stating that the information being related to judicial functions and duties of the Court is not to be disclosed as per Rule 4(1) of Punjab Subordinate Courts (Right To Information) Rules 2007 and is exempt u/s 8(1)(b) of the RTI Act.

The appellant was absent and vide email asked for hearing through Video Conferencing at DC Office, Ludhiana. The case was adjourned.

The case was last heard on **27.02.2019**. The order is reproduced hereunder:

“The case has come up for hearing today through video conference facility available in the office of the Deputy Commissioner, Ludhiana.

The Commission observed that the exemptions sought by the PIO in denying the information have not been supported with valid reasons. The Commission also observed that the First Appellate Authority has overlooked the section 22 of the RTI Act while upholding the decision of the PIO for point-1. The information has been rejected by citing rule 4(1) of Punjab Subordinate Courts (Right to Information) Rules 2007. **Section 22 of the RTI Act** expressly provides that the provisions of the **RTI Act** shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets **Act**, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than the **RTI Act**.

Regarding points 2 & 3 where the respondent has provided partial information and rejected the remaining information by citing that the matter of enquiry is pending, the Commission finds that mere stating that the enquiry is pending is not a valid reason to deny the information. The respondent to clarify that why providing of information will hamper the process of enquiry. The respondent is directed to submit detailed reply on all three points before the next date of hearing.”

Appeal Case No. 3271 of 2018

Hearing dated 24.04.2019:

The respondent present has submitted detailed reply in compliance to the interim order which is taken on the file of the Commission. The case will be adjudicated on the next date of hearing.

The case is adjourned. To come up on **22.05.2019 at 11.00 AM.**

**Chandigarh
Dated: 24.04.2019**

**Sd/-
(Khushwant Singh)
State Information Commissioner**

Sh.Satpal Sharma, S/o ShGian Chand Sharma,
H No-3623, Street No-1,
Durga Puri Haibowal Kalan,
Ludhiana

...Appellant

Versus

Public Information Officer,
O/oGLADA,
Ludhiana.

First Appellate Authority,
O/oChief Administrator,
GLADA, Ludhiana.

...Respondent

Appellant Case No. 3810 of 2018

Present: Sh.Satpal Sharma for the Appellant
Sh.Santosh Kumar Bains, PIO for the Respondent

Order:

The case was last heard on 05.03.2019. Since both the parties were absent, the case was adjourned.

Hearing dated 24.04.2019:

The appellant through RTI application dated 26.04.2018 has sought information on 5 points regarding allotment of land to Bal Bharati Public School Unit-1, Phase-2 Urban Estate Ludhiana and unit-II Phase-3 Urban Estate Dugri Ludhiana concerning the office of GLADA Ludhiana. The appellant was not satisfied with the reply of the PIO vide letter dated 19.07.2018 after which the appellant filed first appeal before the First Appellant Authority on 28.05.2018 which took no decision on the appeal.

The respondent present has brought the information and handed over to the appellant. The appellant claims that the information is incomplete and the PIO has not provided the map of the building.

Having gone through the RTI application and the reply of the PIO, the Commission observes that the information on points 1,2& 6 have been suitably provided. Point-3 will be decided on the next date of hearing. Regarding points 4 & 5, the PIO has stated that the information is not available in their record. The PIO is directed to give this on an affidavit. The PIO is also directed to provide the information on points 7 & 8.

The case is adjourned. Both the parties to be present on **04.06.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 24.04.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Jabir Singh,
Army Public School, VPO Nangalbhur,
Tehsil & Distt.Pathankot.

Appellant

Versus

Public Information Officer,
O/oSDO, PSPCL,
Sub Division NarotJaimal Singh,
Distt.Pathankot

First Appellate Authority,
O/o Addl, SE/DS City Division,
Pathankot..

...Respondent

Appellant Case No. 3815 of 2018

Present: None for the Appellant
Sh.Karunanidhi, LDC O/o Addl.SE/DS City Division, Pathankot for the
Respondent

Order:

The case was last heard on 05.03.2019. Since both the parties were absent, the case was adjourned.

Hearing dated 24.04.,.2019:

The appellant through RTI application dated 16.07.2018 has sought information regarding generation of electricity bill for a/c No.G52NJ430333N in the name of Sh.Raghuveer Singh s/o Surat Singh concerning the office of SDO PSPCL Sub Division NarotJaimal Singh, Distt.Pathankot. The appellant was not provided the information after which the appellant filed first appeal before the First Appellant Authority on 30.08.2018 which took no decision on the appeal.

The respondent present has pleaded that the information has been provided to the appellant vide letter dated 13.02.2019. The respondent has submitted a letter of the appellant whereby the appellant has acknowledged the receipt of the information and is satisfied.

Since the information has been provided, no further course of action is required. The case is **disposed off and closed.**

Chandigarh
Dated: 24.04.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Tahaf Bains, S/o Sh.Dipender Singh,
1562, Sector-18-D, Chandigarh.

.....Appellant

Versus

Public Information Officer,
O/o Sub Registrar, Jalalabad,
Distt.Fazilka..

First Appellate Authority,
O/oSDM, Jalalabad,
Distt.FAzilka.

...Respondent

Appeal Case No. 3838 of 2018

Present: Sh.Tahaf Bains as Appellant
Sh.Manoj Kumar, Bill Clerk, O/o Sub Registrar, Jalalabad for the
Respondent

Order:

The case was first heard on 05.03.2019. Since the PIO denied the information stating that the information is in question form and it cannot be provided, the appellant filed first appeal before the First Appellate Authority which disposed off the appeal on 20.08.2018 with the order that the information is third party information.

The appellant claimed that he being a co-parcener and legal heir as per law, is legally entitled to a share in the coparcenary property of his father and fore-fathers and for implementing that right, he requires details of the property. The respondent was absent. The PIO was directed to appear personally on the next date of hearing and explain the reasons for not providing the information in accordance with the RTI Act.

The case was last heard on **26.03.2019**. The order is reproduced hereunder:

“The respondent present pleaded that the information sought by the appellant is not specific and is third party information. The respondent further pleaded that the appellant has not provided the vasika number of the property. The appellant has provided only the mutation numbers of the property to the respondent, which makes it difficult for the public authority to trace the sought information.

After having gone through the arguments of the case, I find that both the pleas of the PIO are untenable. Regarding the Vasika numbers being not provided, the Commission finds this a mere tactics to delay the information since enough evidence has been provided to establish the particulars of the property about which the information is sought.

Regarding the PIO's plea that the information sought is third party, the Commission observes that since the appellant is a co-parcener and legal heir in the property, he has every right to access the information. The PIO is directed to provide the information to the appellant as sought in the RTI application before the next date of hearing.”

Hearing dated 24.04.2019:

The respondent present pleaded that he has brought the Vasika numbers and on the basis of these vasika numbers, the appellant can get the information from the Sewa Kendra by depositing requisite fee. The appellant says that since they have asked the information under RTI Act, they are not to go to the Sewa Kendra and the information be provided under the RTI Act.

Since the appellant has asked the information under the RTI Act, the respondent is directed to raise the fee under the RTI Act within a week and provide the information before the next date of hearing.

To come up on **04.06.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 24.04.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Simranjit Singh, S/o ShJagdisth Singh,
93/2, Adarsh Nagar,
Jalandhar.

...Appellant

Versus

Public Information Officer,
O/o JDA,
Jalandhar.

First Appellate Authority,
O/oJDA,
Jalandhar.

...Respondent

Appellant Case No. 3851 of 2018

Present: Sh.Simranjit Singh as Appellant
Sh.Rajinder Kumar, Jr. Assistant O/o JDA Jalandhar for the Respondent

Order:

The case was last heard on 05.03.2019. The order is reproduced hereunder:

“The appellant through RTI application dated 06.07.2018 has sought information by allowing inspection of the record of Jalandhar Heights-1, Jalandhar Heights-2 on 66 ft road and record of Hamilton Mayfair Flats project situated on 66 ft road including all sanctioned plan files, revise plan and other information concerning the office of Jalandhar Development Authority, Jalandhar. The appellant was not satisfied with the reply of the PIO dated 24.09.2018 vide which the PIO raised requisite fee of Rs.10000/- after which the appellant filed first appeal with the First Appellate Authority on 03.10.2018 which disposed off the appeal on 01.11.2018 upholding the decision of the PIO.

The respondent present pleaded that the appellant was asked to inspect the record vide letter dated 23.07.2018 and after inspecting the record, the appellant submitted a list of documents vide letter dated 31.08.2018. Thereafter, the appellant was asked to deposit requisite fee of Rs.10000/- vide letter dated 24.09.2018 which the appellant has not deposited.

The appellant has refuted this claim of the department and stated that as per envelope of the letter, the dispatch date is 01.10.2018 and the appellant received the letter only on 06.10.2018. The respondent is directed to bring dispatch register to ascertain the date of dispatch of the letter. The appellant has also raised objection stating that the detail of Rs.10000/- has not been provided. The PIO is directed to provide break up of Rs.10000/-.”

Hearing dated 24.04.2019:

The order is to be read in continuation to the earlier order. The respondent present has brought the break up of Rs.10000/- and handed it over to the appellant. The respondent has also brought copy of dispatch register as a proof of dispatch of letter dated 24.09.2018. The appellant has raised objection regarding raising of fee and pleaded that since the information has not been provided within the time prescribed under the RTI Act, the information be provided free of cost.

Having gone through the record and hearing both the parties, the Commission observes that there is no malafide or willful intention on the part of the PIO in attending to the RTI application, since the appellant had filed the RTI application on 06.07.2018 which was responded to by the PIO well within the time prescribed under the RTI Act on 23.07.2018 and asked the appellant to inspect the record. Further the time taken in raising the fee after the appellant submitted list of documents after inspection of record, is on account of due procedure of correspondence between the two parties.

The Commission has gone through the fee that has been raised by the PIO and observes that the PIO to relook the fee for the maps, as the fee to be charged under the RTI Act is as per actual cost, and not as fixed by the Govt. The PIO is directed to send a fresh demand of fee to be collected after determining the actual cost. The PIO is also directed to provide the information within 15 days once the fee is deposited by the appellant.

To come up for compliance on **10.06.2019 at 11.00 AM.**

Chandigarh
Dated: 24.04.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Kamaljit Singh,
H No-2226/12, Street No-2,
Opposite Royal Motor, Chander Nagar, Ludhiana.

.....Appellant

Versus

Public Information Officer,
O/o Chief Administrator, GLADA,
Ludhiana.

First Appellate Authority,
O/o Chief Administrator, GLADA,
Ludhiana.

...Respondent

Appellant Case No. 3982 of 2018

Present: None for the Appellant
Sh.Santosh Kumar Bains, PIO-GLADA for the Respondent

Order: The case was last heard on 05.03.2019. The order is reproduced hereunder:

“The appellant through RTI application dated 29.05.2018 has sought information on 10 points regarding allotment letter dated 07.02.1995, lease deed dated 30.03.1995 of land measuring 6.20 acre allotted for construction of MCM Senior Secondary School, Sector 32 Ludhiana and other information concerning the office of Chief Administrator, GLADA Ludhiana. The appellant was not satisfied with the reply of the PIO dated 20.07.2018 vide which the PIO denied the information stating that the concerned allottee has not given consent for disclosure of information. On being denied the information, the appellant filed first appeal before the First Appellate Authority on 31.08.2018 which took no decision on the appeal.

The respondent present pleaded that since the information is third party information, it cannot be provided. The appellant pleaded that the land was allotted by the GMADA on leasehold basis and the GMADA has the ownership right on the land.

Having gone through the case, I find that the PIO's claim of 3rd party is untenable as the 3rd party is not executing any commercial activities, the disclosure of which will harm its competitive position. I see that revealing of this information will lead to transparency and accountability, hence stand of the PIO that the information is 3rd party, is not maintainable. The information be provided within 15 days.”

Hearing dated 24.04.2019:

The respondent present pleaded that the information has been provided to the appellant vide letter dated 20.03.2019 and a copy of the same is submitted to the Commission.

The appellant is absent and has not communicated any discrepancies. It is presumed that the appellant has received the information and is satisfied.

Since the information has been provided, no further course of action is required. The case is **disposed off and closed.**

Chandigarh
Dated: 24.04.2019

Sd/-
(Khushwant Singh)
State Information Commissioner