**PUNJAB STATE INFORMATION COMMISSION**

**RED CORSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**

**Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com)

**Email:psic22@punjabmail.gov.in**

Sh. Pardeep Singh,

S/o Sh. Joginder Singh,

Village Jounpura, Patran, Patiala. Complainant

Versus

Public Information Officer,

O/o Station House Officer,

Police Station Patran, Distt. Patiala. Respondent

**Complaint Case No.464/2018**

Date of RTI application: 18.09.2017

Date of First Appeal : Nil

Date of Order of FAA or Reply: Nil

 Date of 2nd Appeal/complaint: 24.04.2018

**Present: Sh. Pardeep Singh, Complainant in person.**

 **None on behalf of the Respondent.**

**Order**

The Commission had made the following observations on 26.06.2018:

 *“The respondents are absent despite issue of notice. The Commission takes a strong exception to the lackadaisical and non-chalant demeanour of the respondents. They are directed to file a written reply besides providing the information to the information seeker and explain their conduct in having taken undue delay in providing the information.”*

The case has come up today. Despite the strong observations of this forum the respondent is maintaining a studied silence. None is present. Nor any reply has been filed. It is a clear case of violation of a provision of Section 7(1) of the RTI Act. Taking its due cognizance the PIO in the office of the SHO, PS: Patran, Distt. Patiala 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, Contd…page…2

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**Complaint Case No.464/2018**

2005 on himfor 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.

 To come up on **23.08.2018 at 11.30 AM.**

 **Sd/-**

**24.07.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The Senior Superintendent of Police, Patiala, for information and n/a.**

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Ms. Narinder Kaur,

D/o Sh. Ajmer Singh,

R/o H. No. 83-F, Rattan Nagar, F Block,

Tripuri, Patiala. Complainant

Versus

Public Information Officer,

O/o Senior Superintendent of Police,

Mini Secretariat, Patiala. Respondent

**Complaint Case No.488/2018**

 Date of RTI application: 20.03.2018

Date of First Appeal : Nil

Date of Order of FAA or Reply: Nil

 Date of 2nd Appeal/complaint: 27.04.2018

**Present: None on behalf of the Complainant.**

 **ASI Ajeet, O/o SSP, Patiala – for Respondent.**

**Order**

ASI Ajeet has come present on behalf of the Respondent. The information to the complainant was transmitted on 26.06.2018 with the direction to pin-point any deficiency. The complainant is not present. Nothing has been heard from him also. Seemingly, she is satisfied. No more action is required.

 **Disposed.**

 **Sd/-**

**24.07.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Kulwinder Singh

S/o Sh. Jagdev Singh,

R/o Ward No.3, Khamanon

Distt. Fatehgarh Sahib. Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Nagar Panchayat, Khamanon,

Distt. Fatehgarh Sahib

.

First Appellate Authority

O/o Regional Deputy Director,

Urban Local Bodies, Punjab,

Ludhiana. Respondents

 **APPEAL CASE NO.750/2018**

Date of RTI application : 28.10.2017

Date of First Appeal : 29.12.2017

Date of Order of FAA : Reply 06.11.2017

Date of 2nd Appeal/complaint : 22.02.2018

**Present: Sh. Kulwinder Singh, Appellant in person.**

 **Sh. Sangeet Kumar, PIO – cum – EO along with his counsel Adv. G.S.Sidhu.**

**ORDER**

 The Commission had made the following order on 03.07.2018:

 *“The appellant has sought a wide and varied information about the various activities of the Nagar Panchayat, Khamanon. The respondents have filed a written reply maintaining that information has since been supplied to him and it is being repeatedly asked for.*

 *Having discussed the matter in detail with the parties it boils down to the fact that the appellant shall be satisfied in case he is provided with the copies of contract executed by them for solid waste management in the town with the contractor from the year 2012-2017 onwards. The respondents say that it is quite a voluminous document. Arranging to supply its copies shall significantly divert their resources. The Commission agrees partially with their contention. They are directed to provide him a copy of agreement with their written statement that the terms and conditions for all the following years remain the same. If there had been any significant change it shall be pointed out in their reply.”*

 *Contd..page…2*

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 **APPEAL CASE NO.750/2018**

The case has come up today. The information which comprises in about 322 pages has been handed over on spot to the appellant today. The Commission has seen it. The same appears to be in order. The respondents reiterate that the appellant has been habitually seeking massive information from 2014 onwards. The Commission feels that such repeated demands are bound to divert the resources of a Public Authority significantly. This ultimately renders the things counter-productive. While disposing the appeal in hand the Commission observes that in case any information is re-sought by the appellant the respondents shall be at liberty to refer to order to deny such repeated requests.

 **Disposed.**

  **Sd/-**

**24.07.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Mukesh K. Sharma, Advocate,

#258, MDC, Sector 4, Panchkula. Appellant

Versus

Public Information Officer,

O/o Police Station, Zirakpur,

Distt. S.A.S Nagar.

First Appellate Authority,

O/o Police Station, Zirakpur,

Distt. S.A.S Nagar Respondents

**Appeal Case No.1148/2018**

Date of RTI application: 02.01.2018

Date of First Appeal : 07.02.2018

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint: 02.04.2018

**Present: None.**

**ORDER**

 The appellant is absent on trot. Seemingly, he is no more interested in information. The appeal is **disposed.**

 **Sd/-**

 **(Yashvir Mahajan)**

 **24.07.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Harjinder Pal

S/o Late Sh. Gurdev Singh,

R/o House No.9342 Main Road,

Kot Mangal Singh, Ludhiana Appellant

Versus

Public Information Officer,

O/o Registrar, Firms & Societies, Punjab

Sector-17, Chandigarh

First Appellate Authority

O/o Registrar, Firms & Societies, Punjab

Sector-17, Chandigarh Respondents

 **APPEAL CASE NO.3535/2017**

Date of RTI application : 01.08.2017

Date of First Appeal : 24.10.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :01.12.2017

**Present: Sh. Harjinder Pal, Appellant in person at Chandigarh.**

1. **Sh. Sarbjit Singh, Joint Director – cum – Registrar, Firms & Societies, Punjab,**
2. **Sh. Dwarka Parshad, Sr. Assistant, O/o Registrar, Firms &Societies, Pb. – for Respondents.**

**ORDER**

 The Commission had made the following observations on 04.07.2018:

 *“Sh. Satnam Singh appearing on behalf of the respondents says that the record pertains to a very old Society. They have not been able to trace it despite their best efforts. It shall have to be dug out from massive information and is quite difficult to be located with skeleton staff. They seek some time to look for it and try to make it available to the appellant at the earliest. His request is acceded.”*

 *“The respondents are absent. Nothing has been heard from them as well.*

 *The Commission is inclined to believe that they are willfully suppressing the information. According the PIO 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 Contd…page…2*

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 ***APPEAL CASE NO.3535/2017***

*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 case has come up today. The respondents have filed an affidavit that despite their sincere efforts they are not able to get hold of the original record as the same is very old. The Commission is inclined to believe their version and it will not be appropriate to attribute any malafide in withholding the information. Nonetheless the respondents have brought along relevant file in which latest correspondence has been exchanged with the office bearers of the Society. The appellant is satisfied in case certified copies of the documents identified by him are provided to him. The respondents assure to hand it over to him. The appellant is satisfied with the same. The Commission does not see any reason to further keep the case alive. The appeal is **disposed.**

 **Sd/-**

**24.07.2018**  **(Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Rajesh Giri

S/o Sh. Mohan Giri,

Opp. Tank No.2, Chungi No.5, Ward No.22, Gali No.10,

Basant Nagar, Khanna Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Municipal Council,

Khanna Distt. Ludhiana

First Appellate Authority

O/o Deputy Director, Urban Local Bodies,

Ludhiana. Respondents

 **APPEAL CASE NOs.3366 and 3368 of 2017**

Date of RTI application : 25.06.2017

Date of First Appeal : 01.08.2017

Date of Order of FAA : 08.09..2017

Date of 2nd Appeal/complaint :11.11.2017

**Present: None is present on behalf of the Appellant.**

 **Sh. Raghbir Singh, Sanitary Inspector, MC office, Khanna – for Respondents.**

**ORDER**

 The following order was made by the Commission on 04.07.2018:

 *“As the appellant, respondents are the same and the issues involved are identical, the single order shall dispose of both the appeals.*

 *It is a long standing unattended request of the applicant. The information sought seems very important which materially exists with the respondents. The respondents seemingly have shown complete nonchalance and indifference not only to the application but even to the directions passed by the First Appellate Authority, the Deputy Director, Local Bodies. Prima facie they have rendered themselves liable for penal consequences. With the directions to part with the information at once, the PIO – cum – EO in the office of the Municipal Council, Khanna is issued a show cause notice to explain in a self-attested affidavit as to why 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 Contd….page..2*

 *-2-*

***APPEAL CASE NOs.3366 and 3368 of 2017***

*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. He is also directed to come present on the next date of hearing.”*

 *“The case has come up today. A show cause notice was issued to the PIO – cum – E.O., MC Office, Khanna, for having failed to provide the information. The representatives of the respondents say that his original application has been repeated and the information was passed on to him earlier as well and an order of the Commission on the same subject has been passed. The appellant denies their contention. The Commission affords another opportunity to the Parties to put forward their viewpoint on the next date of hearing which is fixed on 24.07.2018 at 11.30 AM at Chandigarh.”*

 The appellant has sent an e.mail acknowledging the receipt of information to his satisfaction. The Commission does not attribute any malafide to the respondents. As the information has been satisfactorily delivered to him the Commission files the SCN and **disposes** the appeal.

 **Sd/-**

**24.07.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**