



Sh. Nitin Kumar Garg,
C/o Police Public Dairy,
Sector-15-A, Shastri Nagar,
Model Town, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o XEN, Water supply and Sanitation,
Division-1, Roopnagar,
Anandpur Sahib,

First Appellate Authority,
O/o SE, Water Supply and Sanitation Circle,
Sector-34-A, SCO-158-160,
Chandigarh.

... Respondent

Appeal Case No. 2429 of 2020

PRESENT: Sh. Nitin Kumar Garg for the appellant
None for the Respondent

ORDER:

The appellant through the RTI application dated 30.01.2020 has sought information regarding a copy of the sanction letter/like sports quotation issued for the work of CSR to all SDE in the division from 01.01.2019 to 31.01.2020 from the Xen Water Supply & Sanitation Division. No.1, Rupnagar Anandpur Sahib. The appellant was not provided the information after the appellant filed the first appeal before the first appellate authority on 01.06.2020 which took no decision on the appeal.

The case was last heard on 10.02.2021 through video conferencing at DAC Mohali. The appellant claimed that despite depositing the requisite fee of Rs.800/- as asked for by the PIO, the information has not been provided.

The respondent brought the information. The PIO was directed to send information to the appellant through a registered post within a week.

On the date of last hearing on **17.05.2021**, the appellant was absent and vide letter received in the Commission on 05.03.2021 informed that even depositing the requisite fee of Rs.800/- on 08.03.2020 as raised by the PIO vide letter dated 19.02.2020 for 400 pages, the PIO has sent only 22 pages and has not provided the complete information.

The respondent was absent. From the letter of the appellant, there appeared to be a mismatch between the fee raised by the PIO and the information that had been finally provided.

The PIO was directed to file a suitable reply, otherwise, the Commission will be constrained to proceed as per provisions of section 20 of the RTI Act.

Hearing dated 24.08.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana. The appellant informed that he has received some information on 05.03.2021 but the information is incomplete and not as per the fee raised by the PIO.

The respondent is absent nor has sent any reply. There has been an enormous delay of more than one year in providing the information as well as there is a mismatch between the fee raised by the PIO and the information that has been provided. On the date of hearing on **17.05.2021**, the appellant was absent and vide letter received in the Commission on 05.03.2021 had informed that even after depositing the requisite fee of Rs.800/- on 08.03.2020 as raised by the PIO vide letter dated 19.02.2020 for 400 pages, the PIO has sent only 22 pages and has not provided the complete information.

The Commission has taken a serious view of this and hereby directs the PIO 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 as well as raising excess fee than the actual information provided.** He/she 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.

To come up for further hearing on **11.10.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana. The PIO to appear through VC at DAC Mohali.

Sd/-

**Chandigarh
Dated:24.08.2021**

**(Khushwant Singh)
State Information Commissioner**

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Sh. Arvinder Singh Bedi,
HNo-593, Phas3B-1, Mohali.

...Appellant

Vs

Public Information Officer,
O/o PUDA,
Mohali.

First Appellate Authority
O/o PUDA,
Mohali.

...Respondent

Appeal Case .No. 4253 of 2019

PRESENT: **None for the Appellant**
 None for the Respondent

ORDER: This order should be read in continuation to the previous order.

The appellant through RTI application dated 22.07.2019 has sought information on 9 points regarding the revised policy of the PUDA/GMADA for corner plots, road Berms, corner gates having a green belt and other information concerning the office of PUDA/GMADA Mohali. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 30.08.2019 which took no decision on the appeal.

The case has already been heard on 1.03.2020, 30.06.2020, 07.09.2020, 06.10.2020, 09.12.2020, 10.02.2021 & 17.05.2021.

On the date of the first hearing on 11.03.2020, the respondent informed that the information relates to the PIO-GMADA. The respondent had brought some information on behalf of the PIO-GMADA. However, the appellant was not satisfied with this information.

Since the GMADA was not being represented for a couple of months, the Commission directed the First Appellate Authority, GMADA to appoint a fresh PIO who can represent the organization at various hearings. A copy of the order was sent to the First Appellate Authority with the direction to ensure that this order is being complied with and the information is provided to the appellant as per RTI application.

On the date of the next hearing on **30.06.2020**, the respondent present pleaded that the information was ready but the signing authority was on leave. The respondent, however, assured to provide the information within a week.

On the date of hearing on **07.09.2020**, the respondent pleaded that since the earlier PIO had been transferred and he had joined as PIO recently as well as the information being voluminous, the appellant be asked to inspect the record and get the relevant information. The counsel for the appellant had agreed for the same. The appellant was directed to inspect the record by visiting the office of PIO on 17.09.2020 at 11.00 AM and get the relevant information. The PIO was directed to allow inspection of the record to the appellant and provide the relevant information as per the RTI Act.

On the date of the hearing on 06.10.2020, due to the shut down of the VC, the hearing could not take place. The case was adjourned.

Appeal Case .No. 4253 of 2019

On the date of hearing on **09.12.2020**, the appellant informed that he inspected the record, however, the information supplied was not as per the RTI application. The respondent pleaded that the available information has been provided and no further information is available in the record.

Hearing both the parties, the PIO was directed to provide whatever information is available on record, and if no other information than the provided one is available, to give in writing on an affidavit that the information that has been provided is true, complete and no further information is available on the record. The information be provided within 15 days.

On the last date of hearing on **10.02.2021**, the advocate representing the appellant informed that no correspondence after the previous order had been made by the PIO.

The Commission received a copy of the letter from the PIO on 19.01.2021 stating that the information has been provided to the appellant on 10.11.2020 and 03.12.2020. However, as per the previous order, the PIO did not file an affidavit that the information that has been provided is true, complete and no further information is available. The respondent was absent nor had complied the order of the Commission.

The PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit.**

On the date of last hearing on **17.05.2021**, both the parties were absent. The PIO was given one last opportunity to submit a reply to the show-cause notice and appear before the commission on the next date of hearing.

Hearing dated 24.08.2021:

The case has come up for hearing today through video conferencing at DAC Mohali. The appellant is absent on 2nd consecutive hearing to pursue his case.

There will be no further hearing about the information supplied.

However, a show cause was issued to the PIO for the delay in providing the information with the direction to file a reply on an affidavit. However, despite affording another opportunity to explain the reasons for the delay in providing the information, the PIO has chosen not to avail the opportunity and has absented himself without any legitimate reasons for the absence as well as not complied with the order of the Commission.

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, the PIO-PUDA Mohali is hereby held guilty for not providing the information on time as prescribed under section 7, which is within 30 days of the receipt of the request. He is also held guilty of repeated defiance of the orders of the Punjab State Information Commission to provide the information. Moreover, the PIO has chosen not to reply to the show cause, which can be inferred that the PIO has nothing to say on the matter.

Hence, given the above facts a penalty of **Rs.5,000/-** is imposed on the PIO- PUDA Mohali, which will be deposited in the Govt. Treasury. The PIO is directed to duly inform the Commission about the compliance of the orders by producing a copy of the challan as evidence of depositing the penalty in the Govt Treasury.

To come up for compliance on **26.10.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Mohali.

Chandigarh
Dated: 24.08.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: PIO-GMADA, Mohali



Sh.Om Prakash, S/o Sh Dev Dutt,
R/o Village Chuhri Wala Dhanna,
Tehsil & Distt Fazilka.

... Appellant

Versus

Public Information Officer,
O/o BDPO,
Khuiaan Sarwar Camp,
Abohar, Distt Fazilka.

First Appellate Authority,
O/o DDPO,
DC Complex, Fazilka.

...Respondent

Appeal Case No. 2401 of 2020

**PRESENT: None for the Appellant
None for the Respondent**

ORDER:

The appellant through the RTI application dated 04.06.2020 has sought information regarding advocate Sh.Mahavir Bhatiwala – cases allotted from 2013 to 2018 – cases attended in the courts – fees paid to the advocate along with the copy of bills – a resolution passed for deputing the advocate and other information concerning the office of BDPO Khuia Sarwar Cap Abohar. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 17.07.2020 which took no decision on the appeal.

The case was last heard on 29.01.2021 through video conferencing at DAC Fazilka. Both the parties were absent.

The PIO was directed to provide the information to the appellant within 15 days and send a compliance report to the Commission.

On the date of the last hearing on **17.05.2021**, both the parties were absent. The case was adjourned.

Hearing dated 24.05.2021:

The case has come up for hearing today through video conferencing at DAC Fazilka. Both the parties are absent.

Earlier order stands. The PIO directed to comply with the earlier order of the Commission and send a compliance report to the Commission.

The case is adjourned. To come up for further hearing on **13.12.2021 at 11.00AM** through a video conference facility available in the office of Deputy Commissioner, Fazilka.

**Chandigarh
Dated:24.08.2021**

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

PUNJAB STATE INFORMATION COMMISSION
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Sh.Aman Kumar Jain, S/o Sh.Bhagwan Dass,
R/o H NO-2164, Lakar Mandi, Abohar,
Distt.Fazilka.

... Appellant

Versus

Public Information Officer,
O/o Tehsildar, Abohar,
Distt.Fazilka.

First Appellate Authority,
O/o SDM, Abohar,

Distt.Fazilka.

...Respondent

Appeal Case No. 4426 of 2019

PRESENT: Sh.Aman Kumar as the Appellant
Sh.Jaspal Singh Brar, Tehsildar Abohar for the Respondent

ORDER:

The appellant through RTI application dated 30.08.2019 has sought information regarding attachment and stay of property as per DRT Chandigarh – case No.725 of 2000 – a copy of the register in which the said order was entered and other information concerning the office of Tehsildar Abohar. The appellant was not satisfied with the reply of the PIO dated 03.09.2019 vide which the appellant was asked to clarify the number and date on which the application was submitted in the office of Tehsildar Abohar, after which the appellant filed the first appeal before the First Appellate Authority on 09.10.2019 which took no decision on the appeal.

The case was first heard on 12.03.2020. The appellant pleaded that they have already mentioned the date and number of the application in the RTI application but the PIO has not provided the information. The PIO was directed to relook at the RTI application and provide appropriate information to the appellant within 15 days.

On the date of the hearing on **22.09.2020**, the appellant claimed that the PIO has not provided the information. The respondent stated that the copy of the bank letter is not available in their record and the appellant be asked to provide a copy of that letter. The appellant had provided a copy of the letter to the PIO.

The respondent was assured to provide the information within a week. The respondent said that the appellant may collect the information by hand. The appellant had agreed for the same. The respondent was directed to provide the information within a week and send a compliance report to the Commission. The appellant was directed to collect the information by hand from the office of PIO on any working day.

On the date of the last hearing on **10.11.2020**, as per the respondent, the information has been provided. The appellant claimed that the PIO has not provided the information.

Appeal Case No. 4426 of 2019

The Commission received a copy of the letter from the PIO through email vide which the PIO had sent the following reply to the appellant:

- | | | |
|---------|---|---|
| Point-1 | - | To get the information from the concerned Patwari by depositing the |
| | | Requisite fee. |
| Point-2 | - | Information will be provided after receipt of verification from the Bank. |
| Point-3 | - | To get the information from the Sewa Kendra by depositing the requisite fee |

Since the appellant had asked for information under RTI Act, the PIO was directed to relook at the entire RTI application and provide the information to the clear satisfaction of both the parties under the RTI Act.

On the date of the last hearing on **29.01.2021**, the respondent present pleaded that the information has been provided to the appellant vide letter dated 25.01.2021 with a copy to the Commission. The appellant was not satisfied.

Hearing both the parties, the PIO was directed to procure the information on point-2 from the concerned bank and provide it to the appellant. The PIO was also directed to sort out other discrepancies if any.

On the date of the last hearing on **17.05.2021**, the appellant claimed that the PIO has not provided the complete information.

The respondent was absent. The appellant was not able to get the information despite various interim orders and continuous assurances by the PIO, which had led to an enormous delay in providing the information regarding point-2.

Since there was a continuous delay in providing the information as well in compliance with Commission's order, The case was marked to the Deputy Commissioner, Fazilka to ensure that the compliance of the order takes place within 15 days of receipt of this order. That the information regarding point-2 is provided as per the available record to the appellant. A copy of the RTI application was attached with the order for the Deputy Commissioner's reference.

Hearing dated 24.08.2021:

The case has come up for hearing today through video conferencing at DAC Fazilka. The respondent present informed that the information after collecting it from the concerned bank, has been supplied to the appellant vide letter dated 23.08.2021 with a copy to the Commission.

Due to an abrupt technical fault with the internet, the hearing could not be concluded

The case is adjourned. To come up for further hearing on **13.12.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Fazilka.

Chandigarh
Dated:24.08.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: Deputy Commissioner, Fazilka.



Sh Bhola Singh,
H NO-HL-311, Phase-2,
Mohali.

... Appellant

Versus

Public Information Officer,
O/o Controller,
Department of Printing & Stationary,
Pb, Sector-18, Chandigarh.

First Appellate Authority,
O/o Controller,
Department of Printing & Stationary,
Pb, Sector-18, Chandigarh.

...Respondent

Appeal Case No. 795 of 2021

PRESENT: Sh.Bhola Singh as the Appellant
Sh.Jaswinder Singh, Sr. Assistant for the Respondent

ORDER:

The appellant through the RTI application dated 27.10.2020 has sought information regarding a copy of the service book – a copy of office order No.367 dated 05.01.1995 along with its notings – a copy of office order No.1948 dated 15.01.1991 along with its noting and other information as enumerated in the RTI application concerning the office of Controller, Department of Printing & Stationery, Pb Chandigarh. The appellant was asked to vide letter dated 02.12.2020 to deposit requisite fee of Rs.140/- which the appellant deposited on 03.12.2020. However, the appellant was not provided with the information after which the appellant filed a first appeal before the First Appellate Authority on 01.01.2021 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Mohali. Both the parties are present at Chandigarh. The respondent present pleaded that the information has been provided to the appellant vide letter dated 05.03.2021 with a copy of the same to the Commission. The Commission has received the reply of the PIO on 07.07.2021.

As per the appellant, the information is incomplete since the PIO has not supplied the noting portion as sought in point-3 of the RTI application. The respondent informed that the noting is not traceable. The respondent however assured to trace the noting and provide the same to the appellant within 15 days.

The PIO is directed to trace the record and provide complete information to the appellant within 15 days. If the record is not traceable, the PIO is directed to conduct an enquiry into the matter by constituting a committee and submit a complete enquiry report which establishes that the record is missing and the responsibility has been fixed for the person under whose custody the record found missing.

Hearing dated 24.08.2021:

As per respondent, they have traced the record and the record and information has been supplied to the appellant on 27.07.2021.

The appellant informed that he has received the information but with a delay of more than ten months and after the order of the Commission.

The respondent pleaded that since the record being pertained to the year 1991, and most of the staff managing the record had retired, the record could not be traced and now after tracing the record with the help of retired employees, the information has been provided to the appellant.

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, the PIO-Controller, Department of Printing & Stationery, Pb, the Commission is of the view that since the appellant has had to suffer undue inconvenience to get the information, it is a fit case for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act.

The PIO-Controller, Department of Printing & Stationery, Pb Chandigarh is directed to pay an amount of **Rs.2500/-** via demand draft 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 on time. The PIO is directed to duly inform the commission of the compliance of the order and submit proof of having compensated the appellant.

The case is adjourned. To come up for compliance on **26.10.2021** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Mohali.

Chandigarh
Dated : 24.08.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Smt.Madhu Sharma, W/o Sh. Sawtantar Kumar,
4811/1, Sector-38 (West),
Chandigarh.

... Appellant

Versus

Public Information Officer,
O/o XEN, Water Supply and Sanitation, Division-2,
Ludhiana Metro Road, Partap Chowk,
Ludhiana.

First Appellate Authority,
O/o SE, Water Supply and Sanitation Circle,
Ludhiana.

...Respondent

Appeal Case No. 1850 of 2020

PRESENT: None for the Appellant
Sh.Raivarinder Singh, SDO Water Supply Div.3 for the Respondent

ORDER:

The appellate through an RTI application dated 05.12.2019 has sought information regarding the enlistment of M/s M.S.Constructions, Pro Mrs Mamta Sharma w/o Sanjeev Sharma Civil Lines, Lajpat Nagar Ludhiana – approval issued for all works – Bills passed at division level & subdivision level – work order issued – payment along with vouchers – payment made through division office – payment made through subdivision office and other information concerning the office of Xen Water Supply & Sanitation Division No.2, Ludhiana. The appellant was not provided with the information after which the appellant filed first appeal before the First Appellate Authority on 07.01.2020 which took no decision on the appeal. After filing the first appeal, the PIO sent a reply to the appellant on 21.01.2020 to which the appellant was not satisfied and filed a 2nd appeal in the Commission.

The case last came up for hearing on **08.02.2021** through video conferencing at DAC Ludhiana. Both the parties were absent. The case was adjourned.

On the date of the last hearing on **25.05.2021**, the respondent pleaded that the appellant had earlier filed similar RTI applications for seeking exactly the same information which was disposed of by the State Information Commission on the basis of available information provided and affidavit.

The appellant was absent on 2nd consecutive hearing to pursue the case nor has communicated any legitimate reasons for the absence.

The PIO was directed to submit copies of earlier RTI applications filed by the appellant and the orders of the State Information Commissioner thereon. The appellant was given last opportunity to appear before the Commission on the next date of hearing to pursue the case otherwise the matter will be decided ex-parte.

Appeal Case No. 1850 of 2020

Hearing dated 24.08.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana/Mohali. The PIO is absent.

Sh.Ravarinder Singh, SDO Water Supply Div-3 is present on behalf of the PIO and informed that the Xen-cum-PIO is in some important meeting and has requested for adjournment.

The case is adjourned. The PIO is directed be present personally on the next date of hearing and submit copies of earlier RTI applications filed by the appellant and the orders of the State Information Commissioner thereon otherwise the Commission will be constrained to issue show cause notice for non-compliance with the order of the Commission

To come up for further hearing on **11.10.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana. The appellant is to appear through VC in the office of Deputy Commissioner, Mohali.

Chandigarh
Dated: 24.08.2021

Sd/-
(Khushwant Singh)
State Information Commissioner