

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh
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Er Satwant Singh,
H No-827, Phase-3B1,
Mohali.

... Complainant

Versus

Public Information Officer,
O/o Estate Officer,
GMADA, Sector-62, Mohali.

...Respondent

Complaint Case No. 925 of 2018

Present: Sh.Satwant Singh as Complainant
Sh.Gulshan Kumar, PIO- GMADA Mohali for the Respondent

Order:

The case was first heard on **14.11.2018**. The respondent present brought the action taken report. The complainant was absent. The respondent was directed to send the action taken report to the complainant through registered post. The PIO was also directed to be present personally on the next date of hearing and explain the reasons for delay in attending to the RTI application as per RTI Act.

The case was again heard on **08.01.2019**. The respondent pleaded that the action taken report has been provided to the complainant. The complainant was not satisfied and stated that the PIO had not taken action on all the legal notices sent by the complainant. The PIO was directed to relook at the RTI application and provide action taken report on all the legal notices of the complainant within 10 days and send compliance report to the Commission.

The case was last heard on **25.02.2019**. The respondent present pleaded that the appropriate action as per GMADA rules has been taken and the information has been provided to the complainant. The appellant was absent and vide letter received in the Commission on 11.02.2019 informed that the PIO had not provided action taken report. The PIO was directed to file reply to the sequence of the events of providing information after the RTI application was filed by the complainant.

Hearing dated 25.03.2019:

The respondent present reiterated his plea that the appropriate action as per GMADA rules has been taken and the action taken report has been provided to the complainant. The complainant stated that the department has not taken action on the legal notices.

Having gone through the case, the Commission feels that the information stands provided to the best possible extent and to ask for action is not in the ambit of the RTI Act. If the complainant is not satisfied with the information, he should go to the First Appellate Authority.

No further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated: 25.03.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Nonihal Singh,
Ward No-13, Sodhi Farm,
Zirakpur.

... Complainant

Versus

Public Information Officer,
O/o Chief Administrator,
GMADA, Mohali.

...Respondent

Complaint Case No. 949 of 2018

Present: **Sh.Nonihal Singh as Complainant**
 Sh.Gulshan Kumar, PIO, GMADA and Sh.Major Singh, ATP Local Bodies,
 Patiala for the Respondent

Order:

The case was first heard on **14.11.2018**. The respondent present pleaded that since the information is voluminous, the complainant was asked to specify the information he wants vide letter dated 04.09.2018 but he did not turn up. The appellant was absent to plead his case. The respondent was also directed to bring proof of dispatch of this letter.

The case was again heard on **08.01.2019**. Since both the parties were absent, the case was adjourned.

The case was last heard on **25.02.2019**. The order is reproduced hereunder:

“The respondent pleaded that since the complainant has sought information regarding unauthorized colonies in the jurisdiction of MC Zirakpur and the information pertains to the office of Deputy Director, Local Bodies, Patiala, they have transferred the RTI application to the Dy Director, Local Bodies, Patiala, on 25.10.2018.

The appellant informed that he has not received the information. The PIO-MC-Zirakpur and the PIO-Dy.Director, Local Bodies Patiala are directed to look at the RTI application and provide the information that is under their custody. Should information be voluminous, the respective authority shall allow inspection of the record by fixing mutually convenient date and time and provide the appellant with the relevant information of not more than 50 pages.”

Hearing dated 25.03.2019:

The respondent present from the office of GMADA informed that they have already transferred the RTI application to the office of Dy.Director, Local Bodies Patiala. The respondent present from the office of Dy. Director, Local Bodies pleaded that since the information is voluminous in nature, as per order of the Commission, the appellant was asked vide letter dated 18.11.2018 to inspect the record but the appellant did not turn up.

Complaint Case No. 949 of 2018

Having gone through the file, the Commission directs the PIO Local Bodies, Patiala to provide the information regarding points 1, 2 & ,3 and allow the appellant to inspect the record regarding points 5 to 9 on the date fixed i.e. 29.05.2018. The PIO to provide the appellant with the relevant information of not more than 50 pages as per earlier order which still stands.

To come up on **15.05.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 25.03.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to 1. PIO-MC-Zirakpur
2. PIO-Dy.Director, Local Bodies Patiala

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Smt Paramjit Kaur, W/o Sh Joginder Singh,
R/o Kalyan Vihar, Gill road,
Moga.

.....Appellant

Versus

Public Information Officer,
O/o Estate Officer, GMADA,
Sector-62, Mohali.

First Appellate Authority,
O/o Estate Officer, GMADA,
Sector-62, Mohali.

...Respondent

Appellant Case No. 3365 of 2018

Present: None for the Appellant
Sh.Gulshan Kumar, PIO GMADA for the Respondent

Order: The case was first heard on **07.01.2019**. The respondent present has informed that the information has been provided to the appellant vide letter dated 28.12.2018. The respondent on being asked the reasons for enormous delay in providing the information, stated that they received the RTI application alongwith the notice of the Commission and they did not know why the RTI application was not attended to by the earlier PIOs. Taking a serious view of this, the PIO was directed to provide a detailed report into the delay of handing this RTI and fix accountability of the PIOs previous or the present responsible for delay in attending to this RTI application. The enquiry report be submitted on the next date of hearing.

The case was last heard on **25.02.2019**. The order is reproduced hereunder:

“The respondent present pleaded that the information has been provided. The appellant is absent. The appellant vide letter received in the Commission on 12.02.2019 has pointed out minor mistake in the forwarding letter. The PIO is directed to rectify the mistake and resend it.

The PIO has not brought detailed report about the delay in handling the RTI application. The Commission cannot ignore such enormous delay in providing the information. The PIO is given last opportunity to provide detailed enquiry report into the delay in providing the information.”

Hearing dated 25.03.2019:

The respondent present stated that they have rectified the mistake and the information has been resent to the appellant. The appellant is absent and nor has sent any communication about any discrepancies. The Commission assumes that the anomaly has been sorted out and the appellant is satisfied.

No further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated: 25.03.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Ravinder Singh,
H no-16, Shaheed Nagar, Chhehartta,
Amritsar.

... Appellant

Versus

Public Information Officer,
O/o Amritsar Development Authority,
Amritsar.

First Appellate Authority,
O/o Chief Administrator,
Amritsar Development Authority,
Amritsar.

...Respondent

Appeal Case No. 3697 of 2018

Present: **Sh.Ravinder Singh as Appellant**
 Sh.Ravinder Singh Paul, ADO O/o Amritsar Development Authority for the
 Respondent

Order: The case was last heard on 06.02.2019. Since both the parties were absent, the case was adjourned.

Hearing dated 25.03.2019:

The appellant through RTI application dated 05.06.2018 has sought information regarding details of Cambridge International School Loharka Road, Amritsar comprising map, area of the building and other information concerning the office of Amritsar Development Authority, Amritsar. The appellant was not provided the information after the appellant filed first appeal with the First Appellate Authority on 11.07.2018 which took no decision on the appeal.

The respondent present pleaded that the information concerning them has been provided to the appellant vide letter dated 30.11.2018 and remaining information relates to the office of CTP Punjab, Chandigarh. The appellant is not satisfied and claims that the respondent has not transferred the RTI application to the concerned department.

Having gone through the RTI application, the Commission is of the view that the information stands provided on points 1,3 &5 and for the remaining information, the PIO-ADA is directed to transfer the RTI application to the Chief Town Planner, Punjab, Chandigarh. The PIO-CTP Punjab, Chandigarh is impleaded as a party of the case and the PIO-CTP is directed to provide the information regarding points 2,,4, 6,7 and 9 to 14. The PIO-ADA is also directed to explain the reasons for delay in providing the information and for not transferring the RTI application to the concerned department within the time prescribed under the RTI Act.

To come up for further hearing on **29.05.2019 at 11.00 AM** for further hearing.

Sd/-

Chandigarh
Dated: 25.03.2019

(Khushwant Singh)
State Information Commissioner

CC to PIO, Chief Town Planners, Punjab, Chandigarh.

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Sh Ravinder Singh,
H no-16, Shaheed Nagar, Chhehartta,
Amritsar.

... Appellant

Versus

Public Information Officer,
O/o Amritsar Development Authority,
Amritsar.

First Appellate Authority,
Chief Administrator,
Amritsar Development Authority,
Amritsar.

...Respondent

Appeal Case No. 3698 of 2018

Present: **Sh.Ravinder Singh as Appellant**
 Sh.Ravinder Singh Paul, ADO O/o ADA, Amritsar and Sh.Deepak Chadha,
 Asstt.Environment Enginner O/o Pollution Control Board for the
 Respondent

Order: The case was last heard on **06.02.2019**. The order is reproduced hereunder:

"The appellant through RTI application dated 05.06.2018 has sought information regarding action taken on his complaint that he had filed with the Pollution Control Board relating to sewerage problem in Urban Estate Colony which was forwarded by the Pollution Control Board to the office of PIO vide letter No.2430 dated 21.05.2018, and other information concerning the office of ADA Amritsar. The appellant was not provided the information after which the appellant filed first appeal with the First Appellate Authority on 11.07.2018 which took no decision on the appeal.

The Commission has received a letter diary No.2916 on 05.02.2019 from the PIO wherein the PIO has stated that since they have not received the application (diary No.2430 dated 21.05.2018) as referred in the RTI application by the appellant, the information can be provided and the reply has been sent to the appellant vide letter dated 11.12.2018.

The respondent is represented by a representative who has no information or clue about this case. Given the circumstance, the Commission inspected the file with the representative of the PIO, and found in it a letter from the Pollution Control Board addressed to the ADA regarding complaint of the appellant. The Commission finds it strange that the letter even though available on the file, has been replied as not received in the office of the ADA. The PIO is directed to file complete reply on the matter at the next date of hearing.

The PIO is also directed to be present on the next date of hearing and explain the reasons for delay in attending to the RTI application within the time prescribed under the RTI Act. The PIO, Pollution Control Board, Punjab is also made a party of the case and is directed to be present on the next date of hearing."

Hearing dated 25.03.2019:

The case has come up for hearing. The respondent present pleaded that there is no information available on the record and the appellant has already been informed vide letter dated 11.12.2018. Regarding delay in attending to the RTI application, the respondent pleaded that the letter of the complainant was not received from the Pollution Control Board, so no information could be provided. The respondent from pollution control board handed over the letter containing the action taken by the pollution control board on the complaint of the complainant, to the respondent O/o Chief Administrator, ADA for perusal. There appears to be a communication gap between the two departments because of which the information could not be provided.

Since there is no information available on record, no further course of action is required. However, the PIO is hereby warned to look at the RTI applications and respond to them within the prescribed time limit under the RTI Act.

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

Chandigarh
Dated: 25.03.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: PIO-Pollution Control Board, Regional Office,
Plot No.164, Focal Point, Mehta Road, Amritsar

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Sh Deepak Khurana S/o Sh Girdhari Lal,
H No-264, Street No-16, Nai Abadi,
Chotti pori, Abohar, Distt Fazilka.

... Appellant

Versus

Public Information Officer,
O/o President, Bar Association,
Court Complex, Abohar,
Distt Fazilka.

First Appellate Authority,
O/o Secretary, Bar Council,
Punjab & Haryana, Chandigarh.

...Respondent

Appeal Case No. 3712 of 2018

Present: **Sh.Deepak Khurana as the Appellant**
 Sh.Inder Singh, Asstt.Secretary, Bar Council, Punjab & Haryana,
 Chandigarh for the Respondent

Order: The case was last heard on **06.02.2019**. The order is reproduced hereunder:

“The appellant through RTI application dated 09.06.2018 has sought information on 5 points regarding constitution of the Bar Association, funds collected from members/political leaders, medical assistance to the members and other information concerning the office of President Bar Association, Court Complex, Abohar.. The appellant was not provided the information after which the appellant filed first appeal with the First Appellate Authority on 02.08.2018 which took no decision on the appeal.

The respondent present from the office of Bar Council, Punjab & Haryana Chandigarh claims that the information does not relate to them as the information has been sought from Bar Association Abohar and the Bar Council has nothing to do with it. The respondent further informed that the Bar Council is also not a First Appellate Authority and they have inadvertently been made a party to this case by the appellant. The respondent is directed to give this in writing.

Neither the appellant nor anyone from the Bar Association is present. The case is adjourned.”

Hearing dated 25.03.2019:

The appellant claims that no information has been provided. The respondent present from the office of Bar Council of Punjab & Haryana submitted a reply that the information is not related with the Bar Council of Punjab and Haryana and that each and every Bar Associations have their own constitution and are fully independent body. The respondent further pleaded that the Bar Council is also not the First Appellate Authority of the Bar Association. The reply is accepted and the Bar Council is exempted.

The respondent from Bar Association Abohar is absent on 2nd consecutive hearing and nor has provided the information. The Commission has taken a serious note of this scant regard of the PIO for not attending to the RTI application and hereby directs the PIO-O/o President Bar Association, Abohar 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 and for not complying with the orders of the Commission.** He 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.

The PIO-Bar Association Abohar is again directed to provide the information to the appellant within 10 days. The PIO of the Bar Association is also directed to clarify that which is the appropriate First Appellate Authority in this case.

Both the parties to be present on **21.05.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 25.03.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Sohan Singh, S/o Sh Sucha Singh,
Village Baara, P.O Pathreri Jattan,
Tehsil & Distt Roopnagar.

... Appellant

Versus

Public Information Officer,
O/o Addl, SE, Distribution Division,
PSPCL, Roopnagar.

First Appellate Authority,
O/o Chief Engineer,
Operational (South), PSPCL,
Patiala.

...Respondent

Appeal Case No. 3716 of 2018

Present: **Sh.Sohan Singh as Appellant**
 Sh.Bawa Singh, SDO-PSPCL, Sukhrampur for the Respondent

Order: The case was last heard on **06.02.2019**. The order is reproduced hereunder:

“The appellant through RTI application dated 19.04.2018 has sought information regarding details of consumers of AP connections provided in village Bara under sub-division Sukhrampur and other information concerning the office of Addl. SE, Distribution Division, PSPCL Roopnagar. The appellant was not satisfied with the reply of the PIO dated 01.06.2018 whereby the PIO denied the information seeking exemption u/s 8 after which the appellant filed first appeal with the First Appellate Authority on 07.06.2018 which took no decision on the appeal.

The appellant informed that he has received the information regarding point 2. The appellant has alleged that there are many people in the village who are having more than one connection which is against the rule circulated in 2007. The respondent has denied the information on point-1 citing section 8 that the information pertains to other people and cannot be provided. The respondent has also not provided information on point-3 taking the same plea.

The case is adjourned. To be adjudicated on the next date of hearing.”

Hearing dated 25.03.2019:

The respondent present reiterated his earlier plea that since the information is 3rd party information, it cannot be provided. The Commission observes that the tubewell connection is not a commercial confidence, trade secret, or an intellectual property under section 8(1)(d) which would harm the competitive position of the third party, nor is held under any fiduciary capacity under section 8(1)(e) of the RTI Act, but merely a public document, so there should be no hesitancy in disclosing the sought information. The PIO is hereby directed to provide the information as per the RTI application within 15 days and send a compliance report to the Commission.

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

Chandigarh
Dated: 25.03.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Deepak Khurana, S/o Sh Girdhari Lalm
264, Street No-16, Nai Abadi, Abohar,
Distt Fazilka..

... Appellant

Versus

Public Information Officer,
O/o President, Bar Association, court Complex,
Abohar, Distt Fazilka.

First Appellate Authority,
O/o Secretary, Bar Council,
Punjab & Haryana, Chandigarh.

...Respondent

Appeal Case No. 3738 of 2018

Present: **Sh.Deepak Khurana as the Appellant**
 Sh.Inder Singh, Asstt.Secretary, Bar Council, Punjab & Haryana,
 Chandigarh for the Respondent

Order:

The case was last heard on **06.02.2019**. The order is reproduced hereunder:

“The appellant through RTI application dated 09.06.2018 has sought information on 7 points regarding details of funds collected by Bar Association from the members, list of new members, funds collected from bar canteen, details of expenditure from 2015-16,2016-17 & 2017-18 and other information concerning the office of President Bar Association, Court Complex, Abohar.. The appellant was not provided the information after which the appellant filed first appeal with the First Appellate Authority on 02.08.2018 which took no decision on the appeal.

The respondent present from the office of Bar Council, Punjab & Haryana Chandigarh claims that the information does not relate to them as the information has been sought from Bar Association Abohar and the Bar Council has nothing to do with it. The respondent further informed that the Bar Council is also not a First Appellate Authority and they have inadvertently been made a party to this case by the appellant. The respondent is directed to give this in writing.

Neither the appellant nor anyone from the Bar Association is present. The case is adjourned.”

Hearing dated 25.03.2019:

The appellant claims that no information has been provided. The respondent present from the office of Bar Council of Punjab & Haryana submitted a reply that the information is not related with the Bar Council of Punjab and Haryana and that each and every Bar Associations have their own constitution and are fully independent body. The respondent further pleaded that the Bar Council is also not the First Appellate Authority of the Bar Association. The reply is accepted and the Bar Council is exempted.

Appeal Case No. 3738 of 2018

The respondent from Bar Association Abohar is absent on 2nd consecutive hearing and nor has provided the information. The Commission has taken a serious note of this scant regard of the PIO for not attending to the RTI application and hereby directs the PIO-O/o President Bar Association, Abohar 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 and for not complying with the orders of the Commission.** He 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.

The PIO-Bar Association Abohar is again directed to provide the information to the appellant within 10 days. The PIO of the Bar Association is also directed to clarify that which is the appropriate First Appellate Authority in this case.

Both the parties to be present on **21.05.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 25.03.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Gurdeep Singh, S/o Sh Harman Singh,
R/o Block No-1, H No-390, Dharampura Mohalla,
Dhuri, Distt Sangrur.

... Appellant

Versus

Public Information Officer,
O/o Asst, XEN, PSPCL,
Distribution, Sub Division,
Lehra Gaga.

First Appellate Authority,
O/o Chairman, PSPCL,
Patiala.

...Respondent

Appeal Case No. 3745 of 2018

Present: None for the Appellant
Sh.Darshan Singh SDO, PSPCL LehraGaga for the Respondent

Order:

The case was last heard on **06.02.2019**. The order is reproduced hereunder:

“The appellant through RTI application dated 28.05.2018 has sought information regarding notices issued vide dispatch no.1622 to 1626 on 14.08.2015 and other information concerning the office of Asstt. Xen, PSPCL-Distribution, Sub-Division Lehra Gaga. The appellant was not satisfied with the reply of the PIO dated 20.09.2018 vide which the PIO denied the information stating that the concerned file has misplaced during shifting of office, after which the appellant filed first appeal with the First Appellate Authority on 01.10.2018 which took no decision on the appeal.

The respondent present pleaded that the file containing the particular notices has been misplaced during shifting of the office from old building to the new building and so the information cannot be provided. The Commission, however, will not consider the file missing till an enquiry is conducted which establishes that the file containing this information is missing. The PIO is directed to initiate a full enquiry and submit an enquiry report ascertaining that the file is missing and the responsibility has been fixed on the person under whose custody the file went missing.”

Hearing dated 25.03.2019:

The respondent present pleaded that they have traced out the file and provided the information to the appellant.

The Commission finds it strange that how a file was missing and subsequently traced once the Commission directed an enquiry into the matter. This matter needs to be investigated further whether the information was denied with a malafide intention to the appellant or not?

The respondent present has stated that he has only joined on 10.3.2019 and the case was handled by the previous PIO, Sh.Balwinder Singh who is now posted in City Sub Division, PSPCL Lehragaga. Sh.Balwinder Singh-PIO is directed to appear personally on the next date of hearing with a reply on an affidavit, establishing the entire sequence of the events from the denial of information on the basis of missing file to the locating of the file and providing the information.

The case is adjourned. To come up for compliance on **20.05.2019 at 11.00 AM.**

Chandigarh
Dated: 25.03.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to Sh.Balwinder Singh,
City Sub Division,
PSPCL, Lehragaga

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Sh Sarabjeet Singh, S/o Sh Babu Singh,
VPO Sudhar Near Telephone Exchange,
Sudhar Bazar, Tehsil Raikot, Distt Ludhiana.

... Appellant.

Versus

Public Information Officer,
O/o SDO, PSPCL,
Sub Division, Budhel (Sudhar),
Distt Ludhiana.

First Appellate Authority,
O/o Addl, SE, PSPCL,
Operational Division, Adda Dakhan,
Distt Ludhiana.

...Respondent

Appeal Case No. 3785 of 2018

Present: Sh.Sarabjeet Singh as the Appellant
Sh.Jasbir Singh, APIO-Sub Division, PSPCL Budhel for the Respondent

Order: The case was last heard on **06.02.2019**. The order is reproduced hereunder:

“The appellant through RTI application dated 06.08.2018 has sought information regarding electric connection bearing khata No.SV13/1352 in the name of Smt.Paramjit Kaur w/o Sh.Harbhag Singh and other information concerning the office of SDO, PSPCL, Sub Division, Budhel (Sudhar), Distt Ludhiana. The appellant was not provided the information after which the appellant filed first appeal with the First Appellate Authority on 10.09.2018 which took no decision on the appeal.

The respondent present pleaded that since the information is third party and the concerned party has not consented for disclosure of personal information, it cannot be provided. The appellant has already been sent reply vide letter dated 04.09.2018 and again on 05.02.2018. The case is adjourned. To be adjudicated at the next date of hearing.”

Hearing dated 25.03.2019:

The respondent present reiterated his earlier plea that since the information is 3rd party information, it cannot be provided. The Commission observes that the tubewell connection is not a commercial confidence, trade secret, or an intellectual property under section 8(1)(d) which would harm the competitive position of the third party, nor is held under any fiduciary capacity under section 8(1)(e) of the RTI Act, but merely a public document, so there should be no hesitancy in disclosing the sought information. The PIO is hereby directed to provide the information as per the RTI application.

The respondent has brought the information and provided to the appellant.

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

Chandigarh
Dated: 25.03.2019

Sd/-
(Khushwant Singh)
State Information Commissioner