



Sh K.N.S Sodhi,
1634, Sector-70, Mohali.

... Appellant

Versus

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

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

...Respondent

Appeal Case No. 1625 of 2019

PRESENT: Sh.K.N.S.Sodhi as the Appellant
Sh.Gurvinder Singh PIO for the Respondent

ORDER:

Sh.K.N.S.Sodhi through RTI application dated 21.12.2018 sought information regarding land allotted under Industrial Land Policy to different institutions in sector 70 along with a Memorandum of Articles, approval of land, site plan etc from the office of GMADA Mohali. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 19.01.2019 which took no decision on the appeal. After filing the first appeal, the PIO sent a reply to the appellant stating that the information sought is not specific and the appellant was asked to inspect the record and get the relevant information. On not being satisfied with the reply of the PIO, the appellant filed a second appeal in the Commission.

The case first came up for hearing on 14.11.2019. Sh. Gulshan Kumar, PIO appeared and pleaded that the appellant has already inspected some of the files and the appellant can inspect the other files. The representative appeared on behalf of the appellant and agreed for the same.

On the next date of hearing on 27.01.2020, the appellant informed that after inspection of the record, the appellant had flag marked the information required by him but the PIO had not supplied the information. Since the PIO was absent and the respondent appeared on behalf of the PIO could not reply on the submission of the appellant, the PIO was issued a **show-cause notice under section 20 of the RTI Act**. The PIO was directed to file a reply on an affidavit. The PIO was also directed to provide the information to the appellant within 10 days.

On the next date of hearing which was held on **25.02.2020**, the PIO was again absent nor had sent a reply to the show-cause notice. The PIO was given one last opportunity to file a reply to the show cause notice and provide the information to the appellant.

On the date of the hearing on 18.06.2020, the appellant informed that the PIO has not provided the information. The PIO was absent nor had sent any reply to the show-cause notice.

Since the PIO failed to provide the information within the time prescribed under the RTI Act, a penalty of **Rs.10,000/-** was imposed upon the PIO-GMADA, Mohali to be deposited in the Govt. Treasury. The PIO, GMADA 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, since the appellant had to suffer undue inconvenience to get the information, the PIO-GMADA Mohali was directed to pay an amount of **Rs.3000/-** via demand draft drawn through Govt. Treasury as compensation to the appellant and submit proof of having compensated the appellant. The PIO was again directed to provide the information within 10 days.

On the date of the last hearing on **10.03.2021**, the respondent informed that the information has been provided, compensation amount of Rs.3000/- has been paid to the appellant and the penalty amount of Rs.10000/- has been deposited in the Govt Treasury vide challan dated 02.11.2020. The Commission received a copy of challan as proof of having deposited the amount of penalty in the Govt Treasury which was taken on the file of the Commission.

The appellant, however, claimed that the information provided on 20.07.2020 was incomplete and the demand draft of Rs.3000/- was not correct and had been returned by the bank since the same was issued in the name of K.N.S.Sodhi whereas it should have been purchased in the name of appellant Sh.Kanwal Nain Singh. The demand draft had been returned to the PIO for correction.

Hearing both the parties, the PIO was directed to sort out the matter and provide whatever remaining information is available on record as per the RTI Act and if the information is not available, to give it in writing on an affidavit that no further information is available in the records.

Hearing dated 25.06.2021:

The case has come up for hearing today through video conferencing at DAC Mohali. As per the respondent, the penalty amount has been deposited in the Govt Treasury and a revised demand draft for an amount of Rs.3000/- dated 06.05.2021 drawn on Axis Bank Mohali as compensation has been paid to the appellant. The Commission has already received a copy of the challan as proof of having deposited the penalty amount in Govt. Treasury.

The appellant has also received the revised demand draft of Rs.3000/- as compensation.

Since the penalty has been deposited and the compensation has been paid, no further course of action is required. The case is **disposed of and closed**.

Chandigarh
Dated 25.06.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

Sh Mohit Bindra,
H No-654, Sector-8,
Panchkula.

... Complainant

Versus

Public Information Officer,
O/o XEN, GMADA, C-1,
Sector-62, Mohali.

First Appellate Authority,
GMADA,
Sector-62, Mohali

...Respondent

Appeal Case No. 2649 of 2019

PRESENT: None for the Appellant
Sh.Gurvinder Singh PIO for the Respondent

ORDER:

The appellant through RTI application dated 06.03.2019 has sought information on 11 points regarding repair work of sector 78, Mohali and repair of internal roads in sector 80 Mohali and other information concerning the office of Xen, GMADA-C-1, Mohali. The appellant was not satisfied with the reply of the PIO dated 01.05.2019 after which the appellant filed first appeal before the First Appellate Authority on 02.05.2019 which took no decision on the appeal.

The case was first heard on 03.09.2019. The appellant informed that in response to the PIO's letter dated 01.05.2019, he has already specified the information vide letter dated 02.05.2019, but the PIO has not provided the information. The respondent was absent. The PIO was directed to provide the information as per the RTI application and send a compliance report to the Commission.

The case was again heard on **25.11.2019**. The respondent present informed that the information has already been provided to the appellant. The appellant was absent nor had pointed out any discrepancy.

On the date of hearing on **21.01.2010**, the respondent present pleaded that the information has been supplied to the appellant. The appellant informed that the PIO has not provided the information but only asked to vide letter dated 01.05.2019 to specify the information, which was specified on 02.05.2019. The PIO was directed to relook at the RTI application and provide the information to the appellant within 10 days.

On the date of the hearing on **18.06.2020**, both the parties were absent. The case was adjourned.

On the date of the last hearing on **10.03.2021**, the appellant was absent. The respondent present pleaded that some of the information has been provided and assured to provide remaining information within ten days.

The PIO was given one more opportunity to relook at the RTI application and provide the remaining information within ten days with a copy to the Commission.

Hearing dated 25.06.2021:

The case has come up for hearing today through video conferencing at DAC Mohali. The respondent present pleaded that the information has been sent to the appellant vide letter dated 24.03.2021 and a copy of the same is sent to the Commission through email. The commission has received the same.

The appellant is absent on 3rd consecutive hearing nor has 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 of and closed** for non-pursuance by the appellant.

Chandigarh
Dated 25.06.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Kesar Singh,
Flat No-104/B-5, Purab Premium Apartment,
Sec-88, Mohali.

... Appellant

Versus

Public Information Officer,
O/o GMADA,
Mohali.

First Appellate Authority,
O/o GMADA,
Mohali.

...Respondent

Appeal Case No. 3895 of 2019

PRESENT: None for the Appellant
Sh.Gurvinder Singh PIO for the Respondent

ORDER:

The appellant through RTI application dated 15.04.2019 has sought information regarding the statement of maintenance account and corpus fund account of Purab Premium Apartment Mohali from 01.07.2016 to 12.04.2019 and other information concerning the office of GMADA Mohali. The appellant was not provided with the information after which the appellant filed a first appeal before the first appellate authority on 04.09.2019 which took no decision on the appeal.

The case came up for hearing first on 19.02.2020. The respondent present pleaded that the information has been provided to the appellant. The appellant was not satisfied and stated that the PIO has provided the information only on point-2 and had denied the information on points 1, 3 & 4.

The appellant further stated that the fund collected by the GMADA was meant to be transferred to the society which was never done and they are keen to know how the funds are being utilized and spent. The appellant further stated that as per policy, money has been collected from the public and it is with the public authority and absolutely within their right to access the information as per provisions of the RTI Act. The PIO has denied the information on points 1,3 & 4 on the ground that it pertains to personal information.

The PIO was directed to give detailed reasons why the information has been denied and what section has been invoked to deny the information.

On the date of the next hearing on **18.06.2020**, the appellant claimed that the PIO has not provided the information. The respondent was absent nor has sent any reasons why the information has been denied and what section had been invoked to deny the information.

Further, there has been an enormous delay of one year in providing the information. The PIO was issued a **show-cause under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit**. The PIO was again directed to provide the information within 10 days.

On the date of the last hearing on **10.03.2021**, the respondent pleaded that the information has been sent to the appellant on 06.08.2020. The appellant was absent.

Having gone through the record, the Commission observed that following-

- 1) The information which the PIO had denied earlier has now been provided. This clearly indicates that the PIO was either stalling the information or had a casual approach while dealing with this particular RTI application. The respondent also failed to explain the reasons why the information was denied in the first account and what section of the RTI Act was invoked to deny the information.
- 2) The PIO was issued a show-cause, but has chosen not to submit a reply to the show-cause notice, which means that he has nothing to say on the matter.

Since the responsibility to ensure the timely transmission of correct information to the appellant lies on the PIO, the PIO-GMADA was 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. A penalty of **Rs.10,000/-** was imposed on the PIO-GMADA, and directed to submit proof of having deposited the penalty in the Govt Treasury.

Hearing dated 25.06.2021:

The case has come up for hearing today through video conferencing at DAC Mohali. The respondent pleaded that the penalty amount of Rs.10000/- has been deposited in the Govt Treasury vide challan No.1277631 dated 22.06.2021 and a copy of challan sent to the Commission through email. The Commission has received the same.

The information already stands provided. The appellant is absent on 2nd consecutive hearing nor has communicated any discrepancies.

Since the information has been provided, the penalty has been deposited in the Govt. Treasury, no further course of action is required.

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

Chandigarh
Dated 25.06.2021

Sd/-
(Khushwant Singh)
State Information Commissioner