**STATE INFORMATION COMMISSION, PUNJAB**

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

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

Sh. Iqbal Singh Rasulpur,

V&PO: Rasulpur (Mallah), Tehsil Jagraon,

Distt. Jagraon.Distt. Ludhiana Complainant

Versus

Public Information Officer,

O/o Shromani Gurdwara Parbandik Committee,

Sri Amritsar Sahib. Respondent

 **COMPLAINT CASE NO.768/2017**

Date of RTI application : 31.05.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 27.07.2017

**Present:** Sh. Iqbal Singh Rasulpur, Complainant in person at Commission’s office, Chd.

 Sh. Kuldip Singh, Assistant Supervisor, SGPC, Amritsar at Commission’s office, Chandigarh – for Respondent.

**ORDER**

 On the request of the Parties the matter is adjourned to 28**.11.2017 at 11.30 AM at Chandigarh.**

 **Sd/-**

**25.10.2017 ( Yashvir Mahajan )**

 **State Information Commissioner**

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Sh. Manjeet Singh,

R/o 4780, Shiva Ji Nagar,

Ludhiana Complainant

Versus

Public Information Officer,

O/o Improvement Trust,

Ludhiana Respondent

 **COMPLAINT CASE NO.571/2017**

Date of RTI application : 20.03.2017

Date of First Appeal : Nil

Date of Order of FAA: Nil

Date of 2nd Appeal/complaint : 06.06.2017

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

 Sh. Rajiv Sabharwal, Jr. Assistant, O/o Improvement Trust, Ludhiana – for Respondent.

**ORDER**

 **The case has been heard through video conferencing.**

Sh. Rajiv Sabharwal, Jr. Assistant appearing on behalf of the respondent says that the entire available information has been given. The complainant is satisfied with the information thus provided to him.

 The respondent regrets the delay. No malafide in withholding the information has been attributed. The complaint is **disposed** with the caution to the respondent to be watchful in future.

 **Sd/-**

**25.10.2017 ( Yashvir Mahajan )**

 **State Information Commissioner**

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Sh. Manjeet Singh

R/o 4780, Shiva Ji Nagar,

Ludhiana Complainant

Versus

Public Information Officer,

O/o Improvement Trust,

Ludhiana Respondent

 **COMPLAINT CASE NO.564/2017**

Date of RTI application : 02.05.2017

Date of First Appeal : Nil

Date of Order of FAA: Nil

Date of 2nd Appeal/complaint : 06.06.2017

**Present:** Sh. Manjeet Singh, Complainant in person at Commission’s office, Chandigarh.

 Sh. Jiwan Bansal, PIO – cum – EO, O/o Improvement Trust, Ludhiana – for Respondent.

**ORDER**

 **The case has been heard through video conferencing.**

 On 06.09.2017 the following order was passed by this forum:

 ***“****On the last date of hearing on 26.07.2017 a Senior Assistant appearing on behalf of the respondent had sought adjournment with the assurance to provide the information. The request was acceded to with the hope that the respondent shall arrange to provide the information to the complainant.*

 *Today as the matter is being taken up one Sh. Kulwant Singh, Clerk, office of the respondent is present. He expresses his ignorance about the facts of the case.*

 *The demeanour of the respondent is callous and indifferent. The Commission takes strong exception to their conduct not only in denying the information to the complainant but also keeping the Commission on tenterhooks. It takes it as a willful denial of information and issues a show cause notice to the PIO 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, 2005 on him for 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.*

 *Contd…page…2*

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***COMPLAINT CASE NO.564/2017***

 *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 hereby directed to attend the proceedings in person on the next date of hearing.”*

Sh. Jiwan Bansal, PIO says that the information which is similar to the one requisitioned in complaint case No.571 of 2017 has been supplied to him. The complainant has admitted its satisfactorily receipt.

 The gist of the issue is that the complainant is aggrieved by an act of the respondent in requisitioning the applications along with earnest money for allotment of plots in a scheme floated by it. The scheme thereafter was called off. So much so the earnest money has also not been refunded. He grudges that their hard-earned money is struck up with the respondents.

 The Commission empathizes with the complainant. It is not within its range to afford him any relief on this score. The Commission feels that available information on the subject has been provided. He should seek the redressal at the appropriate forum. No further action is called for as far as the Commission is concerned. The SCN is filed.

 **Disposed.**

 **Sd/-**

**25.10.2017 ( Yashvir Mahajan )**

 **State Information Commissioner**

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Sh. Raj Kumar Sethi

House No.71-D, Rajguru Nagar,

Ludhiana -141012 Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Improvement Trust,

Ludhiana

First Appellate Authority

O/o Dy. Director, Local Govt. Punjab,

Mini Secretariat. Ludhiana Respondents

 **APPEAL CASE NO.1941/2017**

Date of RTI application : 10.04.2017

Date of First Appeal : 29.05.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :14.07.2017

**Present:** Sh. Raj Kumar Sethi, Appellant in person.

 Sh. Rajiv Sabharwal, Jr. Assistant, O/o Improvement Trust, Ludhiana – for Respondents.

**ORDER**

 **The case has been heard through video conferencing.**

 The Commission had made the following order on 13.09.2017:

 *“The appellant had sought an information concerning a specific property allotted under LDP Scheme of Improvement Trust. The respondents take a third party plea. Their stance is not valid which is overruled. By no stretch of imagination an exemption can be invoked in withholding an information which is public in nature. The respondents are directed to part with the information forthwith under intimation to the Commission failing which it shall be inferred that they are willfully and malafidely withholding the information and the penal consequences shall follow.”*

The case has come up today for hearing. It transpires that partially the information has been provided. The respondent assures to provide the rest of the information as they are in the process of culling it out. They are advised to do the needful quickly.

 To come up on **06.12.2017 at 11.30 AM through video conference at Ludhiana.**

 **Sd/-**

**25.10.2017 ( Yashvir Mahajan )**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Gagandeep Singh Janjua,

Village Tura Post Office Kumb,

Tehsil Amloh, Distt.Fatehgarh Sahib.

 Appellant

Versus

Public Information Officer,

O/o Punjab Wakf Board, Batala

Distt. Gurdaspur

First Appellate Authority

O/o Punjab Wakf Board, Batala

Distt. Gurdaspur Respondents

 **APPEAL CASE NO.1978/2017**

Date of RTI application : 10.01.2017

Date of First Appeal : 17.04.2017

Date of Order of FAA : Reply 23.02.2017

Date of 2nd Appeal/complaint : 17.07.2017

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

 Mohamad Momeen, Legal Clerk, O/o WAKF Board, Batala – for Respondents.

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**ORDER**

 **The case has been heard through video conferencing.**

The appellant is absent on trot.

 Mohamad Momeen, Legal Clerk appearing on behalf of the respondents says that he has been informed of the stance of the department. According to them information relates to a third party and thus invoking Section 8(1) (j) of the Act they are not liable to release it. They further say that the information is voluminous.

 The Commission is not inclined to accept the version of the respondents. The property in question is not the title of an individual rather it belongs to a public authority. Thus the exception under Section 8(1) (j) is not available to them. The respondents further say that the information called for is quite exhaustive and is general in its content. Besides, it entails some answers to the queries which they are not obliged to give. Having considered the matter holistically

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**APPEAL CASE NO.1978/2017**

the Commission directs the respondents to allow the appellant inspection of the record on a date and time conveyed to him in writing well in advance and shall give him the certified copies of the documents thus identified by him up to one hundred pages only.

 To come up on **06.12.2017 at 11.30 AM through video conference at Gurdaspur.**

 **Sd/-**

**25.10.2017 ( Yashvir Mahajan )**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Jaspal Singh

S/o Sh. Ramesh Arora,

House No.319/3, Gurdeep Nagar,

Jagraon, Distt. Ludhiana

 Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Nagar Council, Jagraon

First Appellate Authority

O/o Regional Deputy Director,

Urban Local Bodies, Punjab,

Ludhiana Respondents

 **APPEAL CASE NO.1980/2017**

Date of RTI application : 01.05.2017

Date of First Appeal : 03.06.2017

Date of Order of FAA : 08.06.2017

Date of 2nd Appeal/complaint :18.07.2017

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

 1. Sh. Rajesh Kumar, SO, N.C. office, Jagraon,

 2. Sh. Shanti Sarup, AME, and

 3. Sh. Rakesh Kumar, Jr. Assistant, Nagar Council, Jagraon – for Respondents.

**ORDER**

 **The case has been heard through video conferencing.**

The appellant is absent.

 The respondents say that they have brought along record. They are advised to send it to the appellant by post immediately.

 The case shall be reheard on **06.12.2017 at 11.30 AM through video conference at Ludhiana.**

 **Sd/-**

**25.10.2017 ( Yashvir Mahajan )**

 **State Information Commissioner**

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Sh. Jaspal Singh,

S/o Sh. Ramesh Arora,

319/3, Gurdeep Nagar, Jagraon,

Distt.Ludhiana Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Nagar Council, Jagraon, Distt. Ludhiana

First Appellate Authority,

O/o Deputy Director. Urban Local Bodies,

Ludhiana Respondents

 **APPEAL CASE NO.1184/2017**

 **Date of RTI Application : 11.02.2017 Date of First Appeal : 15.03.2017**

 **Date of Order of FAA : NIL**

 **Date of Second Appeal : 27.04.2017**

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

 1. Sh. Rajesh Kumar, SO, N.C. office, Jagraon,

 2. Sh. Shanti Sarup, AME, and

 3. Sh. Rakesh Kumar, Jr. Assistant, Nagar Council, Jagraon – for Respondents.

**ORDER**

 **The case has been heard through video conferencing.**

The respondents have brought along the residual information. The same has been explained to us in detail. As the appellant is absent the respondents are directed to send him within a week positively under intimation to the Commission.

 The Commission feels that sufficient information has been given. No more action is called for.

  **Disposed.**

 **Sd/-**

**25.10.2017 ( Yashvir Mahajan )**

 **State Information Commissioner**