



Sh. Surjit Singh, S/o Sh Gokul Singh,  
VPO Jarg, Tehsil Payal,  
Distt Ludhiana.

... Complainant

Versus

**Public Information Officer,**  
O/o DPI (EE),  
Sri Fatehgarh Sahib.

..... Respondent

**Complaint Case No. 457 of 2020**

**PRESENT:               None for the Complainant**  
**None for the Respondent**

**Order:**

The complainant through RTI application dated 08.06.2020 has sought information regarding copy of bill vide which the arrears was paid to Sh.Prem Chand Head Teacher as per order of high court – copy of letter dated 05.05.2020 – copy of rule vide which seniority was fixed after 23 years and other information concerning the office of DPI(EE) Sri Fatehgarh Sahib. The complainant was not provided the information after which the complainant filed a complaint in the Commission on 13.10.2020.

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

The Commission has received a letter diary No.13790 on 13.10.2020 from the DEO(EE) Sri Fatehgarh Sahib vide which the PIO has sent information on point-2 & 4 but has denied the information on point-1 & 3 stating that the information being 3<sup>rd</sup> party information, it cannot be provided. However, the PIO has not mentioned in the letter under which section of the RTI Act, the PIO is taking exemption and there is nothing on the file to explain that the PIO has applied the provisions of section 11 which pertains to Third Party Information.

Having gone through the record, the Commission observes that there has been a delay of more than four months in attending to the RTI application. The PIO is directed to explain the reasons for not attending to the RTI application within the time prescribed as well as not following due procedures. The PIO is directed to appear before the Commission on the next date of hearing.

A copy of the information is being sent to the complainant.

The case is adjourned. To come up for further hearing on **\_06.01.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Sri Fatehgarh Sahib.

**Chandigarh**  
**Dated:25.11.2020**

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



Sh. Surjit Singh, S/o Sh Gokul Singh,  
VPO Jarg, Tehsil Payal,  
Distt Ludhiana.

... Complainant

Versus

**Public Information Officer,**  
O/o DEO (EE),  
Sri Fatehgarh Sahib..

..... Respondent

**Complaint Case No. 499 of 2020**

**PRESENT:**                **None for the Complainant**  
                                 **None for the Respondent**

**Order:**

The complainant through RTI application dated 19.06.2020 has sought information regarding copy of letter No.2/Seniority/2020/2087-89 dated 05.05.2020 vide which the seniority was fixed and other information concerning the office of DEO(EE) Sri Fatehgarh Sahib. The complainant was not provided the information after which the complainant filed a complaint in the Commission on 03.08.2020.

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

Having gone through the record, the Commission observes that there has been a delay of more than four months in attending to the RTI application. The PIO is directed to explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act and appear before the Commission on the next date of hearing.

The case is adjourned. To come up for further hearing on **06.01.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Sri Fatehgarh Sahib.

**Chandigarh**  
**Dated:25.11.2020**

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

**PUNJAB STATE INFORMATION COMMISSION**  
**Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.**  
**Ph: 0172-2864114, Email: - [psic30@punjabmail.gov.in](mailto:psic30@punjabmail.gov.in)**  
**Visit us: - [www.infocommpunjab.com](http://www.infocommpunjab.com)**



Sh. Waris Malik, S/o Sh.Mehar Malik,  
R/o H NO-327/28, Tilak Nagar,  
Nakodar Road, Jalandhar.

.....Complainant

**Vs**

**Public Information Officer,**  
O/o Chairman,  
District Badminton Association,  
Jalandhar.

.....Respondent

**Complaint Case No. 17 of 2020**

**PRESENT:      None for the Complainant**  
**Sh.Inderpal Singh, Clerk O/o DC Jalandhar for the Respondent**

**ORDER:**

The complainant through RTI application dated 23.09.2019 has sought information regarding appointment of Deepankar Bhattacharya, newly coach in Raijada Hans Raj Stadium – number of player taking coaching from Deepankar Bhattacharya – GST deducted from the salary of the coach – income & expenditure after the appointment of said coach and other information concerning the office of Chairman, District Badminton Association Jalandhar. The complainant was not provided the information after which the complainant filed complaint in the Commission on 23.12.2019.

The case first came up for hearing on 14.09.2020 through video conferencing at DAC Jalandhar. Both the parties were absent. The complainant vide email informed that the PIO has not provided the information. In the said email, the complainant also informed that the District Badminton Association is a public authority with many administrative officers including deputy Commissioner as its members and the stadium is being developed by the grant of Rs.15,00,000/- released from the MP fund of Sh.Naresh Gujral.

The respondent was absent. The District Badminton Association, Jalandhar was directed to submit complete details of grants availed, list of members of governing body, copy of memorandum & article of association and appear before the Commission on the next date of hearing. A copy of the order was sent to the Deputy Commissioner, Jalandhar to ensure compliance of the order, as he, as per the complainant is one of the executive members of the association.

On the date of last hearing on 04.11.2020, the appellant was absent and vide email informed that the PIO has not provided the information.

The respondent submitted a detailed reply to the earlier order of the Commission which was taken on the file of the Commission.

From the reply the following was construed regarding the administrative structure, and funds received by the District Badminton Association, Jalandhar.

## **Complaint Case No. 17 of 2020**

“That it's Honorary President is the Deputy Commissioner (currently Sh.Ghanshyam Tohri- IAS) , Jalandhar, its current Chairman is Randeep Gill , a PCS officer, Sh. Rahul Sindhu an IAS officer its Member Secretary. Outof the 12 members of the interim executive committee, three are stated to be public servants. Regarding the point of grant of Rs 15.00 lacs from the MPLAD fund of Rajya Sabha MP, Mr. Naresh Gujral, the respondent has claimed that Rs.15.00 lacs from MPLAD fund did not come directly to the association but was given to the PWD department.

The reply takes me to section 2 h (i) (ii) ( *non-Government organization substantially financed, directly or indirectly by funds provided by the appropriate Government.*) of the RTI Act, 2005, following which I have applied the following test:

While having officials on a sports association, and one off grant does not lead to automatic declaration of an organization into a public authority, as defined under the RTI Act, however the question before the commission is whether the Badminton association is capable of performing its functions and duties without the support of the high officials of the district administration, as well as time to time funds ( direct or indirect) and infrastructure facilitations from the government and district administration respectively? The answer from the facts on the file and the representation from the Badminton Association clearly show that such is not possible without support from the district administration as well as funds from the government.

Moreover, the association is linked to the Badminton Association of India, the umbrella body to run the administration of Badminton nationally, which is under the preview of the RTI Act.

Given the above, it is clear that the District Badminton Association is a non-government organization substantially financed , directly or indirectly by funds provided by the appropriate and hence needs to come under the preview of section 2 h (i) (ii) of the RTI Act , 2005.

The District Badminton Association, Jalandhar is herewith declared a public authority and the Honorary President, BDA-cum-Deputy Commissioner, Jalandhar is directed to appoint a PIO and complete all the formalities that are required of a public authority to implement the RTI Act. To execute the order within fifteen days of receipt of this order .

Information to the appellant will be provided within thirty days once the PIO is appointed.”

### **Hearing dated 25.11.2020:**

The case has come up for hearing today through video conferencing at DAC Jalandhar. The respondent present from the office of DC Jalandhar informed that the current chairman Randeep Gill was on medical leave and has requested for adjournment.

The appellant is absent. Earlier order (The District Badminton Association, Jalandhar is herewith declared a public authority and the Honorary President, BDA-cum-Deputy Commissioner, Jalandhar is directed to appoint a PIO and complete all the formalities that are required of a public authority to implement the RTI Act. To execute the order within fifteen days of receipt of this order) stands. The District Badminton Association is directed to implement the order within fifteen days from the receipt of the Commission's order.

To come up for compliance on 05.01.2021 **at 11.00AM** through video conference facility available in the office of Deputy Commissioner, Jalandhar.

**Chandigarh**  
**Dated:25.11.2020**

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

**PUNJAB STATE INFORMATION COMMISSION**  
**Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.**  
**Ph: 0172-2864114, Email:-psicsic30@punjabmail.gov.in**  
**Visit us: - [www.infocommpunjab.com](http://www.infocommpunjab.com)**



Sh. R.C Tandon,  
# 146, Urban Estate,  
Phagwara, Distt. Kapurthala.

...Appellant

Versus

**Public Information Officer,**  
O/o JDA,  
Jalandhar.

**First Appellate Authority,**  
O/o JDA,  
Jalandhar.

.....Respondent

**Appeal Case No. 3297 of 2019**

**PRESENT:      None for the Appellant**  
**Sh. Sanjeev Sharma, PIO for the Respondent**

**ORDER:**

The case was first heard on 06.01.2020. The respondent present pleaded that the information has been provided to the appellant again vide letter dated 20.12.2019 and a copy of the same submitted to the Commission.

The appellant was absent. Having gone through the information that had been provided, the Commission found that the public authority had given a copy of map of the building with the observations of the appellant itself posted on the information. The Commission directed the public authority to provide true copy of the record whatever available regarding the information that has been sought.

It was also observed that the appellant in the RTI application had sought the information in a particular format which under the RTI Act, was not permissible. The PIO was directed to provide the information whatever available in the record regarding height of the boundary wall of Bahara Hospital.

On the date of last hearing on **14.09.2020**, both the parties were absent. The PIO was directed to comply with the earlier order of the Commission and provide the information whatever available in the record regarding height of the boundary wall of the Bahara Hospital.

On the date of last hearing on 04.11.2020, the appellant claimed that the PIO has not provided the complete information. The respondent informed that as per report of APIO-Estate Office, JDA Jalandhar, the available information has been provided and no other information is available in their record.

Hearing both the parties, the Commission directed the concerned APIO-Estate Officer, JDA to give this in writing on an affidavit that the information that has been supplied is true, complete and no other information is available in their record.

**Hearing dated 25.11.2020:**

The case has come up for hearing today through video conferencing at DAC Jalandhar. The respondent present pleaded that the concerned APIO-Estate Officer, JDA has been asked to give the affidavit as per order of the Commission.

**Appeal Case No. 3297 of 2019**

The APIO-Estate Officer, JDA is absent. Earlier order stands. The concerned APIO-Estate Officer, JDA is directed to comply with the earlier order of the Commission which still stands, and appear before the Commission on the next date of hearing.

The case is adjourned. To come up for compliance on **05.01.2021 at 11.00 AM** through videoconference facility available in the office of Deputy Commissioner, Jalandhar.

**Chandigarh**  
**Dated:25.11.2020**

Sd/-  
**(KhushwantSingh)**  
**State InformationCommissioner**



Sh. Deepak Kalia,  
H NO-31, kailash Nagar, Sodal Road,  
Jalandhar.

.....Appellant

**Vs**

Public Information Officer,  
O/o EO, PUDA, Jalandhar.

First Appellate Authority  
O/o PUDA,  
Jalandhar.

...Respondent

**Appeal Case .No. 4293 of 2019**

**PRESENT: Sh.Deepak Kalia as the Appellant**  
**Sh.Sanjeev Sharma, PIO-JDA Jalandhar for the Respondent**

**ORDER:**

The case was first heard on 11.03.2020. The respondent present pleaded that since the information relates to 3<sup>rd</sup> party, they have written a letter to the 3<sup>rd</sup> party for seeking its consent and after receipt of consent of the 3<sup>rd</sup> party, the information will be supplied.

The appellant was absent. Having gone through the record, the Commission found that there is nothing on record which establishes that the disclosure of information has a larger public interest. The appellant was directed to convince the Commission that there is a larger public interest involved in disclosure of information.

The case was last heard on **04.08.2020** through video conferencing at DAC Jalandhar. The appellant was absent nor had submitted any document which establishes that the disclosure of information has a larger public interest.

Having gone through the RTI application all over again with the respondent, the PIO was directed to relook at the RTI application and provide the information to the appellant on all points as per the RTI Act.

The respondent however, pleaded that the appellant be allowed inspection of the record as desired by the appellant in point-10. The appellant was directed to inspect the record by fixing a mutually convenient date and time with the PIO and get the relevant information. The PIO was directed to allow inspection of the record and provide the relevant information as per RTI Act.

On the date of last hearing on **07.09.2020**, the respondent present pleaded that the appellant has inspected the record and the relevant information containing 208 pages has been digitally provided to the appellant. The appellant has received the information but wants to go through the information. The appellant directed to point out the discrepancies if any in writing to the PIO with a copy to the Commission and the PIO was directed to sort out the same.

**Hearing dated 25.11.2020:**

The case has come up for hearing today through video conferencing at DAC Jalandhar. The respondent pleaded that the complete information has been provided to the appellant and no other information is available. The appellant stated that some of the information relating to point-10 is pending which has to be provided by Sh.Chander Shekhar, APIO.

PIO to provide up to date information till the date of filing of the RTI application and remove all valid discrepancies.

To come up for further hearing on **05.01.2021 at 11.00 AM** through video conference facility available in the office of **Deputy Commissioner, Jalandhar**.

**Chandigarh**  
**Dated :25.11.2020**

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