

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
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Sh.Navdeep Gupta,
Kohti No-455, Gillco Valley,
Kharar, Distt Mohali.

Versus

... Compliant

Public Information Officer,
AIGP, (Crime), Head Quarter,
Punjab Police, Sector-9, Chandigarh.

...Respondent

Complaint Case No. 980 of 2018

Present: None for the Complainant
Sh.Jaswinder Singh, HC Police Chowki Sunny Enclage, Kharar for the Respondent

Order:

The case was first heard on 27.11.2018. It was observed that as per record the complainant filed application with Punjab Police Headquarter which transferred the application to AIG(Crime) Punjab Police on 16.07.2018. The complainant informed that he has not received any communication or information from the PIO.

The PIO AIG(Crime) was directed to be present personally or through representative on the next date of hearing and explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act 2005.

The case was last heard on **09.01.2019**. Since both the parties were absent, the case is adjourned. The PIO –AIG(Crime) was directed to comply with the earlier orders of the Commission which still stands and provide the information to the appellant as per the RTI application.

Hearing dated 26.02.2019:

The respondent representing the case has nothing to do with the case since the record brought by the respondent is for the reply of a different case. The respondent from AIG(Crime) is absent again. The Commission has taken a serious view of this and directs the PIO-AIG(Crime), Punjab Police to comply with the earlier order of the Commission and provide the information to the complainant as per RTI Act. The PIO is also directed to appear personally or through a representative on the next date of hearing and explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act.

To come up for further hearing **on 02.04.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 26.02.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Inderjeet Singh,
504, Phase3A,
Mohali.

... Complainant

Versus

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

...Respondent

Complaint Case No. 1080 of 2018

Present: Sh.Inderjeet Singh as Complainant
Sh.Gulshan Kumar, PIO and Sh.RishuGoyal, SrAsstt.(Accounts) for the
Respondent

ORDER:

The case was last heard on **09.01.2019**. The appellant pleaded that no information has been provided to him. The respondent was absent. The PIO was directed to provide the information within 10 days and be present personally or through a representative on the next date of hearing alongwith the reasons for delay in attending to the RTI application.

Hearing dated 26.02.2019:

The respondent present pleaded the information has been provided to the complainant on 20.04.2018. The complainant is not satisfied and stated that his name is not figure in the information that has been provided. The respondent stated that there is some typographical mistake in the action taken report and they shall rectify and provide the same to the complainant.

The PIO is directed send a corrigendum to the complainant stating exact detail and correct the mistake. Rest of the information stands provided.

Both the parties to be present on **30.04.2019 at 11.00 AM** for further hearing

Sd/-

Chandigarh
Dated: 26.02.2019

(Khushwant Singh)
State Information Commissioner

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Sh. Devan Munjal,
Ward No-13, Near Usha Nursing Home,
Gidderbaha.

... Complainant

Versus

Public Information Officer,
O/o Tehsildar, Gidderbaha,
Distt Sri Mukatsar Sahib.

First Appellate Authority,
O/o SDM, Gidderbaha,
Sri Mukatsar Sahib.

...Respondent

Complaint Case No. 1099 of 2018

Present: Sh.Devan Munjal as Complainant
None for the Respondent

ORDER:

The case was last heard on 09.01.2019. The complainant stated that since the PIO provided the information only on point No.4 out of 9 points, he filed first appeal with the First Appellate Authority which marked the same to the Tehsildar Gidderbaha to adjudicate the appeal. The Tehsildar denied the information stating that it is in question form. The appellant further stated that the information has been delayed intentionally and with malafide and the First Appellate Authority has not properly handled the RTI application, for the decision cannot be taken by the PIO when the case has come to the First Appellate Authority.

The respondent was absent. The PIO was directed to relook at the RTI application and provide all the information which is available with the public authority, even it has been raised in question form. Information, even if asked in question form, but is in the possession of the public authority, should be provided.

The PIO was also directed to be present on the next date of hearing alongwith the reasons for delay in providing the information.

Hearing dated 26.02.2019:

The appellant informed that he has not received the information. The respondent is absent. Vide email, the respondent has sought exemption stating that as per order of the Deputy Commissioner, Mukatsar Sahib, the respondent has been asked to remain at the station during the leave period of SDM Giddarbaha from 26.02.2019 to 01.03.2019. The PIO has further informed that the information has been sent to the complaint vide letter dated 25.02.2019 and a copy of the same is sent to the Commission.

A copy of the information has been provided to the complainant. The complainant is not satisfied with the information regarding points 6 & 7. The PIO is directed to allow the inspection of the concerned record regarding points 6 & 7 by fixing a mutually convenient date and time and provide the information before the next date of hearing. The PIO is also directed to be present personally or through a representative on the next date of hearing and explain the reasons for not providing the information within the time prescribed under the RTI Act.

The case is adjourned. To come up on **02.04.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 26.02.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Shiv Parshad,
671, Kajheri, Chandigarh.

... Complainant

Versus

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

...Respondent

Complaint Case No. 1129 of 2018

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

ORDER:

The case was last heard on **14.01.2019**. The order is reproduced hereunder:

“The complainant through RTI application dated 19.06.2018 has sought information regarding number of application received from Senior Citizen candidates, women candidates and preferential candidates for 100 sq.yds plot under Category-B, and other information concerning the office of GMADA Mohali. The complainant was not provided the information after which he filed complaint with the Commission on 11.10. 2018.

The respondent present pleaded that the information has been sent to the complainant vide letter dated 11.01.2019 and a copy of the same is submitted to the Commission. The Commission finds that the PIO has not replied to the RTI application well within the time prescribed under the RTI Act and there is a delay of 7 months in attending to the RTI application. The PIO is directed to explain the reasons for delay in attending to the RTI application. The appellant is directed to go to the First Appellate Authority for the discrepancies if any in the information provided.”

Hearing dated 26.02.2019:

The respondent present pleaded that the information has already been provided to the complainant. Regarding delay in attending to the RTI application, the respondent has submitted reply stating that the concerned dealing assistant was busy in other assignments of draw of lots due to which the information was delayed. The plea of the respondent is accepted.

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

Sd/-

Chandigarh
Dated: 26.02.2019

(Khushwant Singh)
State Information Commissioner

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Sh.Jaspal Singh, S/o Sh Ramesh Arora,
H No-319/3, Gurdeep Nagar, Jagraon,
Ludhiana.

... Appellant

Public Information Officer,
O/o Executive Officer, Nagar Council,
Jagraon, Ludhiana.

First Appellate Authority,
O/o Deputy Director, Local Bodies,
Ludhiana.

...Respondent

Appeal Case No. 1283 of 2018

Present: Sh.Jaspal Singh as Appellant
Sh.Amarinder Singh, EO NC Jagraon, for the Respondent

ORDER:

The case was first heard on **19.06.2018**. The appellant informed that he has received the information but he was not satisfied with the information regarding points 3,4,5,6 & 8. The PIO was absent. The PIO was directed to provide the information regarding these points within 10 days.

The case was again heard on **24.07.2018**. Since the complete information was not supplied, the PIO was directed to send the complete information duly attested within ten days. Sh.Manohar Singh, PIO was also directed to be personally present on the next date of hearing with suitable reply and explain as to why action should not be taken against him for not complying with the orders of the Commission.

The case again came up for hearing on **20.08.2018**. The Commission found that the PIO is showing laxity in providing the information and not complying the orders of the Commission. The Commission made clear that on the next date of hearing, the designated PIO should be personally present with explanation for not complying the orders of the Commission failing which the Commission will be compelled to issue summons u/s 18(3)(a) of the RTI Act 2005 and also initiate action under the provisions of RTI Act.

The appellant was absent. The appellant was also directed to be present to go through the information, failing which the Commission will be constrained to decide the case ex-parte.”

The case was further heard on **26.09.2018**. The appellant pleaded that the PIO has not abided by the orders of the Commission. The PIO was absent. The PIO was directed to send the information regarding points 3,4,5,6 & 8 as per RTI Act within 15 days failing to do so, the Commission will be constrained to issue show cause notice.

The case was again heard on **19.11.2018**. The appellant informed that the information has not been provided to him so far. The respondent is absent and again asked for exemption citing the reason that the APIO dealing with such cases has been deputed for election duty. It was observed that the PIO is not serious in complying with the orders of the Commission the PIO was issued **show cause notice with the directions to file an affidavit** in this regard, if there are other persons responsible for the delay in providing the information, the PIO was directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

The case was last heard on **14.01.2019**. The order is reproduced hereunder:

“The respondent present has submitted an affidavit stating that the information has been provided to the appellant as per available record vide letter dated 08.02.2018 and there is no more information in their record. The appellant is absent and has sought adjournment on medical grounds. The appellant vide email has informed that the PIO has not provided the information as per orders of the Commission.

In the last hearing, the PIO was absent and was issued show cause notice for not complying the orders of the Commission. The PIO was directed to submit reply to the show cause on an affidavit. The PIO is absent and has preferred to send affidavit through his representative. The affidavit is not on the stamp paper. It appears that the PIO in the affidavit has given misleading statement that the information has been sent to the appellant since the respondent present could not answer whether the information relating to points 3,4,5,6 & 8 has been provided or not.

Keeping the above in view, the PIO is directed to appear personally on the next date of hearing and submit appropriate reply to the show cause notice. The PIO is also directed to send the information regarding points 3,4,5,6& 8 to the appellant.”

Hearing dated 26.02.2019:

The respondent present pleaded that the information has been provided to the appellant on 08.02.2018. The appellant stated that information has not been provided as per order of the Commission. Having gone through the reply of the respondent and hearing both the parties, the commission directs the PIO to provide the information regarding points 4, 6 & 8.

Regarding reply to the show cause notice, the respondent pleaded that he has just joined on 23.10.2018 and there was another PIO who was handling this case.

Since there are more than one PIO involved in continuous defiance of the Commission's order as well continuous defiance in respect of Commission's various directions, both the PIO's are directed to be present on the next date of hearing with appropriate reply to the show cause notice issued on 19.11.2018

Both the parties to be present on **30.04.2019 at 11.00 AM** for further hearing.

Sd/-

Chandigarh
Dated: 26.02.2019

(Khushwant Singh)
State Information Commissioner

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ShJaspal Singh, S/o Sh Ramesh Arora,
H No-319/3, Gurdeep Nagar, Jagraon,
Ludhiana.

... Appellant

Public Information Officer,
O/o Executive Officer, Nagar Council,
Jagraon, Ludhiana.

First Appellate Authority,
O/o Deputy Director, Local Bodies,
Ludhiana.

...Respondent

Appeal Case No. 1284 of 2018

Present: Sh.Jaspal Singh as Appellant
Sh.Amarjinder Singh, EO NC Jagraon for the Respondent

ORDER:

The case was first heard on **19.06.2018**. The appellant was not satisfied with the information provided by the respondent regarding points 1 to 4. The PIO was directed to provide the information regarding these points within 10 days.

The case was again heard on **24.07.2018**. The appellant was not present. The respondent present brought the information. The information was found incomplete as the copies of the information were not attested and signed by the competent authority.

The Commission had taken a serious view of this and the PIO was directed to send the complete information on all points duly attested and signed by the competent authority within ten days of the receipt of orders. The PIO Sh.Manohar Singh was also directed to be present personally on the next date of hearing with suitable reply and explain as to why action should not be taken against him for not complying with the orders of the Commission.

The case again came up for hearing on **20.08.2018**. The Commission found that the PIO is showing laxity in providing the information and not complying the orders of the Commission. The Commission made clear that on the next date of hearing, the designated PIO should be personally present with explanation for not complying the orders of the Commission failing which the Commission will be compelled to issue summons u/s 18(3)(a) of the RTI Act 2005 and also initiate action under the provisions of RTI Act.

The appellant was absent. The appellant was also directed to be present to go through the information, failing which the Commission will be constrained to decide the case ex-parte.

The case came up for hearing again on **26.09.2018**. The respondent was absent and sought exemption due to election duty of the staff.

The appellant pleaded that the PIO has not abided by the orders of the Commission. The PIO was directed to send the certified copies of the information regarding points 1 to 4 as per the RTI Act within 15 days failing to do so, the Commission will be constrained to issue show cause notice. The PIO was also directed to send compliance report before the next date of hearing to the Commission.

Appeal Case No. 1284 of 2018

The case was again heard on **19.11.2018**. The appellant informed that the information has not been provided to him so far. The respondent was absent again asked for exemption citing the reason that the APIO dealing with such cases has been deputed for election duty. It was observed that the PIO is not serious in complying with the orders of the Commission, the PIO was issued **show cause notice with the directions to file an affidavit** in this regard, if there are other persons responsible for the delay in providing the information, the PIO was directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

The case was last heard on **14.01.2019**. The order is reproduced hereunder:

“The respondent present has submitted an affidavit stating that the information has been provided to the appellant as per available record vide letter dated 21.02.2018 and there is no more information in their record. The appellant is absent and has sought adjournment on medical grounds. The appellant vide email has informed that the PIO has not provided the information as per orders of the Commission.

In the last hearing, the PIO was absent and was issued show cause notice for not complying the orders of the Commission. The PIO was directed to submit reply to the show cause on an affidavit. The PIO is absent and has preferred to send affidavit through his representative. The affidavit is not on the stamp paper. It appears that the PIO in the affidavit has given misleading statement that the information has been sent to the appellant since the respondent present could not answer whether the certified copies of the information relating to points 1 to 4 has been provided or not.

Keeping the above in view, the PIO is directed to appear personally on the next date of hearing and submit appropriate reply to the show cause notice. The PIO is also directed to send the certified copies of the information regarding points 1 to 4 to the appellant.”

Hearing dated 26.02.2019:

The respondent present pleaded that the information has been provided to the appellant on 21.02.2018. The appellant stated that the PIO has not provided certified copies of the information per order of the Commission. The respondent is directed to provide certified copy of the information regarding points 1 to 4 within 3 days.

Regarding reply to the show cause notice, the respondent pleaded that he has just joined on 23.10.2018 and there was another PIO who was handling this case.

Since there are more than one PIO involved in continuous defiance of the Commission's order as well as continuous defiance in respect of Commission's various directions, both the PIO's are directed to be present on the next date of hearing with appropriate reply to the show cause notice issued on 19.11.2018

Both the parties to be present on **30.04.2019 at 11.00 AM** for further hearing.

Sd/-

Chandigarh
Dated: 26.02.2019

(Khushwant Singh)
State Information Commissioner

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ShJaspal Singh, S/o Sh Ramesh Arora,
H No-319/3, Gurdeep Nagar, Jagraon,
Ludhiana.

... Appellant

Public Information Officer,
O/o Executive Officer, Nagar Council,
Jagraon, Ludhiana.

First Appellate Authority,
O/o Deputy Director, Local Bodies,
Ludhiana.

...Respondent

Appeal Case No. 1285 of 2018

Present: Sh. Jaspal Singh Appellant
Sh.Amarinder Singh, EO NC Jagraon, for the Respondent

ORDER:

The case was first heard on **19.06.2018**. The appellant was not satisfied with the information provided by the respondent. The respondent was absent. The PIO was directed to provide the information within 10 days.

The case was again heard on **24.07.2018**. The appellant was not present. The respondent present brought the information. The information was found incomplete as the copies of the information were not attested and signed by the competent authority.

The Commission had taken a serious view of this and directed the PIO to send the complete information on all points duly attested and signed by the competent authority within ten days of the receipt of orders. The PIO Sh.Manohar Singh was also directed to be present personally on the next date of hearing with suitable reply and explain as to why action should not be taken against him for not complying with the orders of the Commission.

The case again came up for hearing on **20.08.2018**. The Commission found that the PIO is showing laxity in providing the information and not complying the orders of the Commission. The Commission made it clear that on the next date of hearing, the designated PIO should be personally present with explanation for not complying the orders of the Commission failing which the Commission will be compelled to issue summons u/s 18(3)(a) of the RTI Act 2005 and also initiate action under the provisions of RTI Act.

The appellant was absent. The appellant was also directed to be present personally to go through the information, failing which the Commission will be constrained to decide the case ex-parte."

The case again came up for hearing on **26.09.2018**. The respondent was absent and sought exemption due to all the staff on election duty.

The appellant pleaded that the PIO has not abided by the orders of the Commission. The PIO was directed to send the certified copies of the information on all points as per the RTI Act within 15 days failing to do so, the Commission will be constrained to issue show cause notice. The PIO was also directed to send compliance report before the next date of hearing to the Commission.

Appeal Case No. 1285 of 2018

The case was again heard on **19.11.2018**. The case was again heard on **19.11.2018**. The appellant informed that the information has not been provided to him so far. The respondent was absent and again asked for exemption citing the reason that the APIO dealing with such cases has been deputed for election duty. It was observed that the PIO is not serious in complying with the orders of the Commission, the PIO was issued **show cause notice with the directions to file an affidavit** in this regard, if there are other persons responsible for the delay in providing the information, the PIO was directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

The case was last heard on **14.01.2019**. The order is reproduced hereunder:

“The respondent present has submitted an affidavit stating that the information has been provided to the appellant as per available record vide letter dated 21.02.2018 and there is no more information in their record. The appellant is absent and has sought adjournment on medical grounds. The appellant vide email has informed that the PIO has not provided the information as per orders of the Commission.

In the last hearing, the PIO was absent and was issued show cause notice for not complying the orders of the Commission. The PIO was directed to submit reply to the show cause on an affidavit. The PIO is absent and has preferred to send affidavit through his representative. The affidavit is not on the stamp paper. It appears that the PIO in the affidavit has given misleading statement that the information has been sent to the appellant since the respondent present could not answer whether the certified copies of the information on all points have been provided or not.

Keeping the above in view, the PIO is directed to appear personally on the next date of hearing and submit appropriate reply to the show cause notice. The PIO is also directed to send the certified copies of the information on all points to the appellant.”

Hearing dated 26.02.2019:

The respondent present pleaded that the information has been provided to the appellant on 21.02.2018. The appellant stated that as per order of the Commission, certified copies of the information have not been provided. The respondent is directed to provide certified copy of the information within 3 days.

Regarding reply to the show cause notice, the respondent pleaded that he has just joined on 23.10.2018 and there was another PIO who was handling this case.

Since there is more than one PIO involved in continuous defiance of the Commission's order as well as continuous defiance in respect of Commission's various directions, both the PIO's are directed to be present on the next date of hearing with appropriate reply to the show cause notice issued on 19.11.2018

Both the parties to be present on **30.04.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 26.02.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Jasbir Singh,
Village Bholapur, Jhabewal,
P.O Ramgarh, Distt Ludhiana..

...Appellant

Versus

Public Information Officer,
O/o SDM,
Sri Mukatsar Sahib.

First Appellate Authority,
O/o DC,
Sri Mukatsar Sahib.

...Respondent

Appellant Case No. 3540 of 2018

Present: None for the Appellant
Sh.Rajinder Singh Superintendent for the Respondent

ORDER:

The case was last heard on 14.01.2019. Since both the parties were absent, the case was adjourned.

Hearing dated 26.02.2019:

The case has come up for hearing today. The appellant through RTI application dated 16.07.2018 has sought information regarding copy of case register containing the form K rule 4(6) of RTI Act from 01.01.2010 to Feb.2018 and other information concerning the office of SDM Sri Mukatsar Sahib.. The appellant was not provided the information after which filed first appeal before the First Appellate Authority on 23.08.2018 which took no decision on the appeal.

The respondent present pleaded that the appellant had filed similar RTI on 10.07.2018 after which the respondent raised a fee of Rs.52/-. The respondent says that the appellant filed similar RTI after this date which has come for hearing. The respondent also claims that the appellant also filed first appeal of similar RTI on 13.08.2018 and for the same case on 23.08.2018. Since the information was the same in both the cases, the appellant was asked to deposit Rs.52/- after which he deposited Rs.60/- and the information was provided on 16.10.2018 via registered post.

I have gone through both the RTI applications and since the information has already been provided in the RTI application dated 10.07.2018, I see no reason for the efforts to be duplicated and unnecessary diversion of resource & time of the public authority.

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

Sd/-

Chandigarh
Dated: 26.02.2019

(Khushwant Singh)
State Information Commissioner

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Sh. H.S Hundal,
82, Distt Court, SAS Nagar,
Mohali

...Appellant

Versus

Public Information Officer,
O/o PUDA,
Mohali.

First Appellate Authority,
O/o PUDA,
Mohali.

...Respondent

Appellant Case No. 3543 of 2018

Present: Sh.H.S.Hundal as Appellant
Sh.Gulshan Kumar, PIO PUDA for the Respondent

ORDER: The case was last heard on 14.01.2019. Since both the parties were absent, the case was adjourned.

Hearing dated 26.02.2019:

The case has come up for hearing today. The appellant through RTI application dated 01.05.2018 has sought information regarding allotment letter of plot No.A-12 Industrial Area, Phase-VI Mohali, notices/orders of recovery, penalty, resumption, reallocation and other information concerning the office of PUDA Mohali. The appellant was not provided the information after which filed first appeal before the First Appellate Authority on 08.07.2018 which took no decision on the appeal.

The respondent present pleaded that since the information sought by the appellant is 3rd party information, it cannot be provided. The respondent further pleaded that the RTI application was received by the concerned department on 18.06.2018 which issued a letter to the 3rd party on 10.07.2018 for seeking their consent. The 3rd party vide letter dated 31.07.2018 did not give its consent stating that the disclosure of information would harm the interest of the company and is protected under section 8 & 11(1) of the RTI Act.

The appellant says that there has been large scale building violations in the plot and claims that the revealing of this information will be in the larger public interest.

Before adjudicating the case, a reasonable opportunity is granted to the 3rd party under section 19(4) of the RTI Act and M/s WWICS Estates Pvt Ltd. Plot No.A-12, Industrial Area, Phase-VI, Mohali Sh.Baljinder Singh is hereby impleaded as a party to the case. If M/s WWICS Estates wants to plead the case, it should appear before the Commission on the next date of hearing

The case is adjourned. To come up for further hearing on **02.04.2019 at 11.00 AM.**

Chandigarh
Dated: 26.02.2019

(Khushwant Singh)
State Information Commissioner

CC to: M/s WWICS Estates Pvt Ltd.Plot No.A-12,
Industrial Area, Phase-VI, Mohali.

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Sh. Inderjeet Singh,
504, Phase-3-A, Mohali.

.....Appellant

Versus

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

First Appellate Authority,
O/o Chief Administration,
GMADA, Sec-62, Mohali.

...Respondent

Appellant Case No. 3410 of 2018

Present: Sh.Inderjeet Singh as Appellant
Sh.Gulshan Kumar PIO GMADA for the Respondent

ORDER: The case was last heard on 09.01.2019. The order is reproduced hereunder:

“The appellant through RTI application dated 08.02.2018 has sought information regarding Article of Constitution of India under which the GMADA rejected the certificate of medical authorities(PGI) and the Govt Notification giving the powers to GMADA to reject the medical certificate of PGI and other information concerning the office of Estate Office, GMADA Mohali. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 26.03.2018. After the first appeal, the PIO sent reply to the appellant vide letter dated 02.04.2018. On being not satisfied with the reply of the PIO, the appellant filed appeal before the Commission on 04.10.2018.

The appellant is present and stated that the information has not been provided as per the RTI application. Having gone through the file, the Commission finds that the information has been provided by the PIO on first 2 points and regarding 3rd point, the PIO has stated that the file is missing. The Commission directs the PIO to trace out the file diligently and provide the information on point No.3 within 15 days. If the file is missing, the PIO to submit complete enquiry report which establishes that the file is missing. The Commission will not consider the file missing until and unless there is an enquiry which establishes that the file is not traceable.”

Hearing dated 26.02.2019:

The respondent present pleaded that the file has been traced and the information has been provided to the appellant. The appellant is not satisfied and says that his name does not figure in the action taken report. . The respondent stated that there is some typographic mistake in the action taken report and they shall rectify and provide the same to the complainant.

The PIO is directed send a corrigendum to the complainant stating exact detail and correct the mistake. Rest of the information stands provided.

Both the parties to be present on **30.04.2019 at 11.00 AM** for further hearing

Chandigarh
Dated: 26.02.2019.

Sd/-
(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
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Sh.Sukhdev Raj Devgan,
D-288, Ranjit Avenue,
Amritsar.

... Appellant

Versus

Public Information Officer,
The Registrar of Firms and Societies, Pb,
17 Bays Building, 3rd Floor, Sec-17, Chd.

First Appellate authority,
The Registrar of Firms and Societies, Pb,
17 Bays Building, 3rd Floor, Sec-17, Chd.

...Respondent

Appeal Case No. 1524 of 2018

Present: None for the Appellant
Sh.Satnam Singh Sr.Assistant O/o Registrar of Firms & Societies, Punjab,
for the Respondent

ORDER:

The case was first heard on **09.07.2018**. The respondent was absent. The PIO was directed to provide the (1) copy of application alongwith documents attached at the time of registration (2) copy of registration certificate (5) list of present trustees to the appellant. The other points to be discussed on the next date of hearing. The PIO was also directed to be present personally on the next date of hearing.

The case was again heard on **07.08.2018**. **The appellant** informed that he has not yet received the information. The respondent was absent and did not comply with the orders of the Commission. The PIO was issued **show cause notice and was directed to file reply on an affidavit and to appear personally** before the Commission along with the written replies.

The case again came up for hearing on **23.10.2018**. The PIO was again absent and has not responded to the show cause. Sh.Satnam Singh, Sr.Assistant representing the PIO from the office of Registrar of Firms and Societies appeared late and had not brought any information. The PIO was granted one last opportunity to be present personally on the next date of hearing and file reply to the show cause explaining the reasons for delay in providing the information as well as not abiding by the orders of the Commission to provide information.

The case was last heard on **28.11.2018**. The appellant informed that he has not received the information. The PIO was absent and since the PIO neither sent any reply to the show cause notice issued to the PIO on 07.08.2018 nor provided the information, the PIO-Registrar of Firms & Societies, Punjab was imposed a penalty of Rs.15000/-. The PIO was directed to duly inform the Commission of the compliance of the orders by producing a copy of the challn justifying the deposition of the penalty in the Govt Treasury.

The case was last heard on **21.01.2019**. The order is reproduced hereunder:

“The respondent present pleaded that the available information has been provided to the appellant and the appellant has received the same.

Appeal Case No. 1524 of 2018

Regarding deposit of penalty which was imposed upon the PIO in the last order, for not providing the information within the time prescribed under the RTI Act and for not complying with the order of the Commission, the PIO has submitted an affidavit which is taken on the file of the Commission. The PIO in the affidavit has stated that since the deponent has been assigned the additional duties of the posts of Joint Director(Plan-Coordination, Joint Director(Credit) and Nodal Officer of various important schemes of the department besides present assignment of posting as Registrar of Firms and Societies, Punjab, the deponent remains busy n attending to the important meeting chaired by the Higher Authorities of the Govt and could not appear before the Commission on the dates fixed.

The PIO further stated that since the records of the firms and societies registered (about 2.50 lacs societies and 4.50 lacs partnership firms) are being maintained manually, they were trying their best to trace out the old record but the same was not traceable. The PIO further stated in the affidavit that the lapse has been on the part of the dealing officials who did not comply the order of the deponent as well as the order passed by the Commission and the explanation has been called from the concerned officials. The PIO in view of this submission has prayed that the order dated 28.11.2018 be reviewed and the order of imposing the penalty may be revoked and that since the information has been provided, the appeal of the appellants may be ordered to be disposed off.

Since the Commission arrived at the decision to penalize the PIO under section 20 of the RTI Act after providing ample opportunities to explain the reasons for delay in providing the information, the plea of the PIO is not accepted. The PIO is directed to comply with the earlier order of the Commission and duly inform the Commission of the compliance of the orders by producing a copy of the challn justifying the deposition of the penalty in the Govt Treasury before the next date of hearing.”

Hearing dated 26.02.2019:

The respondent present has submitted a copy of challan as a proof of having deposited Rs.15000/- in the Govt. Treasury being the amount of penalty imposed upon the PIO on 28.11.2018 for not providing the information within the time prescribed under the RTI Act which is taken on the file of the Commission.

Since the information stands provided and the PIO has deposited the amount of penalty in the Govt Treasury, the case is **disposed off and closed.**

Chandigarh
Dated: 26.02.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Rakesh Kumar Gupta,
8/237, Jagraon Road, MandiMullanpur,
Distt Ludhiana.

.....Appellant.

Versus

Public Information Officer,
DFSC, Ludhiana (West),
Zone-D, Municipal Corporation Building,
Sarabha Nagar, Ludhiana

First Appellate Authority,
The Director, Food, Civil Supplies & Consumer Affairs,
AnajBhawan, Sector-39-C,
Chandigarh.

.... Respondent

Appeal Case No. 1669 of 2018

Present: None for the Appellant
Sh.Jaswinder Singh Inspector DFSC O/o Mandi Board on behalf of the
Respondent

ORDER:

The case was first heard on **06.08.2018**. Sh.Jaswinder Singh from the office of DFSC was present. The respondent present pleaded that the information being third party information cannot be provided since the third parties had not given their consent. Having gone through the merits of the case, the claim of the PIO that the information is third party information was not fully justified. The PIO was directed to provide the point-wise information to the appellant in accordance with the RTI Act.

The case was again heard on **23.10.2018**. The respondent present pleaded that the information has been provided to the appellant. The appellant was not satisfied and informed that the information is incomplete.

Having gone through the RTI application and hearing both the parties, the PIO was directed to relook at the RTI application and send reply to the point No. 1 on an affidavit. The information regarding points 2, 4, 5, 6 & 9 be provided as per RTI application. Regarding point No.7, to provide certified copy of details of penalty . Regarding point No.8, to forward application to the PIO, Market Committee.

The case was last heard on **04.12.2018**. The order is reproduced hereunder:

“The respondent from the office of Market Committee has brought the information regarding point No.8 and handed over to the appellant. The appellant received the same and is satisfied. Regarding points 2,4,5,6 & 9, the respondent from the office of DFSC pleaded that since the paddy season is going on, they are busy in the procurement of paddy and sought adjournment. The adjournment is granted. The PIO is directed to provide information as per earlier order which still stands.”

Appeal Case No. 1669 of 2018

Hearing dated 26.02.2019:

The appellant is absent and vide email has sought adjournment. The appellant has further informed that the PIO has not provided the information as per order of the Commission.

The case is adjourned. The PIO is directed to comply with the earlier order of the Commission which still stands.

Both the parties to be present **on 07.05.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 26.02.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: The PIO, Distt.Mandi Officer,
District MandiBhawan, Gill Road,
Ludhiana.