

PUNJAB STATE INFORMATION COMMISSION
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Sh.Manjeet Singh,
H No-1435, Street No-6, Block-A,
Guru Nanak Colony, Gill Road,
Ludhiana.

.....Appellant.

Versus

Public Information Officer,
O/o XEN, PSPCL Unit-1,
2443 Sub Division, Janta Nagar
Ludhiana-3.

First Appellate Authority,
O/o XEN, PSPCL, Unit-1-2443,
Sub Division-1, Janta Nagar,
Gill Road, Ludhiana-3.

...Respondent

Appeal Case No. 407 of 2019

PRESENT: None for the Appellant
Sh.Nitesh Kumar, SDO-PSPCL for the Respondent

ORDER:

This order should be read in continuation to the earlier order.

The appellant through RTI application dated 24.08.2018 sought information regarding action taken report on the complaint dated 03.05.2018 for over reading and other information from the office of Xen, PSPCL Unit-1, Ludhiana-3. The appellant was not provided the information after which the appellant filed first appeal before the First appellate Authority on 21.09.2018 which took no decision on the appeal.

The case has already been heard on 07.05.2019, 03.07.2019, 13.08.2019, 29.11.2019, 27.01.2020, 03.06.2020 & 22.07.2020.

On the date of hearing on 13.08.2019, the respondent present informed that the information has been provided to the appellant. The appellant was not satisfied and stated that he wants the status of his complaint. The PIO was directed to relook at the RTI application and provide a status report on the complaint of the appellant.

On the date of hearing on **29.11.2019**, the respondent was absent nor had provided the information. The PIO was issued a **show cause notice and directed to file reply on an affidavit**. The PIO was again directed to provide the information to the appellant within 10 days.

On the date of hearing on 27.01.2020, Sh.Jasvir Singh, AEE Commercial Janta Nagar Div(spl) appeared and informed that the information has been provided to the appellant vide letter dated 27.12.2019. The PIO was absent nor had sent any reply to the show cause, rather tried to take the Commission into confidence on the ground that the information has been provided. The PIO was given one last opportunity to file a reply to the show cause on an affidavit.

On the next date of hearing on 03.06.2020, the appellant vide email informed that the PIO has not provided the information. The respondent was absent nor had sent any reply to the show cause notice. The PIO was given one last opportunity to provide the information to the appellant and appear personally on the next date of hearing alongwith reply to the show cause notice on an affidavit.

On the date of last hearing on **22.07.2020**, both the parties were absent. The case was adjourned.

Hearing dated 27.01.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana. Sh.Nitesh Kumar, SDO present on behalf of the PIO informed that the information has been sent to the appellant vide letter dated 27.12.2019. The appellant is absent nor has communicated whether the information provided is correct.

The PIO is absent nor has sent any appropriate reply to the show cause notice. There has been a delay of more than one year and four months in providing the information as the RTI application was filed on 24.08.2018 whereas the information as per the affidavit has been provided on 27.12.2019.

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, The PIO-cum-Additional SE(Operational), PSPCL, Janta Nagar Division(Spl)-Ludhiana is 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, and for repeated and willful defiance of the Punjab State Information Commission's orders.

A penalty of **Rs.10,000/-** is hereby imposed upon the the PIO-cum-Additional SE(Operational), PSPCL, Janta Nagar Division(Spl)-Ludhiana which will be deposited in the Govt. Treasury. The PIO- The PIO-cum-Additional SE(Operational), PSPCL, Janta Nagar Division(Spl)-Ludhiana is 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.

The Commission further observes that the appellant to collect the information has had to suffer undue inconvenience, thus I find it to be a fit case for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act.

The PIO-cum-Additional SE(Operational), PSPCL, Janta Nagar Division (Spl)-Ludhiana is directed to pay an amount of **Rs.2500/-** via demand draft drawn through Govt. Treasury as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting information in time. The PIO is directed to duly inform the Commission of the compliance of the order and submit proof of having compensated the appellant.

To come up for further hearing on **07.04.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated: 27.01.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to Additional S.E (Op),
Janta Nagar Div(Spl),
PSPCL,Ludhiana.



Sh.Gagandeep Singh,
SCO-26, Shanti Park, Main Sua Road,
Threke, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o District Treasury Officer,
Ludhiana.

First Appellate Authority,
O/o Additional Director,
Department of Finance (T&A),
PB, Chandigarh.

...Respondent

Appeal Case No. 497 of 2020

PRESENT: None for the appellant
Sh.Gurdeep Singh, Clerk O/o District Treasury Officer for the Respondent

ORDER:

The appellant through RTI application dated 25.09.2019 has sought information on 5 points regarding Vat/GST refund made to the persons, companies by the Sale Tax department from 1.01.2017, Vat/GST refund by Treasury office to the persons, companies and other information concerning the office of District Treasury Officer, Ludhiana. The appellant was not satisfied with the reply of the PIO dated 14.10.2019 after which the appellant filed first appeal before the First appellate Authority on 06.11.2019 which took no decision on the appeal.

The case was last heard on 17.08.2020. The respondent present pleaded that regarding point 1, 2 & 4, the appellant was asked to deposit requisite fee of Rs.1866/- for 933 pages and get the information but the appellant has not deposited the same. The appellant was directed to inspect the record relating to Points 1,2& 4 and get the relevant information by depositing requisite fee as per RTI Act.

The respondent further informed that the information regarding points 3 & 5 is not available with them since the refund is being made by the Excise & Taxation Department and the payment is being released to the beneficiaries through RBI account.

The appellant was not satisfied. The appellant had simply asked that from which Govt accounts, a beneficiary is disbursed the GST/VAT. The PIO was directed to check under whose custody the information regarding point-3 lies, procure it and provide the information to the appellant. Regarding point-5, the PIO was directed to transfer the RTI application to the department of Excise & Taxation Punjab. The PIO-Department of Excise & Taxation, Punjab was directed to look at the RTI application and provide the information to the appellant. A copy of RTI application was attached with the order for PIO-Department of Excise & Taxation.

Appeal Case No. 497 of 2020

Hearing dated 27.01.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana. The respondent present from the office of District Treasury Officer informed that they have already provided the information concerning them and transferred the RTI application to the Department of Excise & Taxation, Punjab Ludhiana for information relating to point-5.

None is present from the Department of Excise & Taxation. The letters issued to them on 17.09.2020 & 24.10.2020 at the address provided by the District Treasury Officer have been returned back from the postal authorities with the remarks "insufficient address", whereas the order dated 17.08.2020 appears to have been delivered.

The PIO-Assistant Commissioner, Excise & Taxation, Punjab. Ludhiana-1 on receiving this notice is directed to look at the RTI application and provide the information to the appellant. A copy of the RTI application is being again attached with the order.

To come up for further hearing on **07.04.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated: 27.01.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to : PIO-Asstt.Commissioner-1
Excise & Taxation, Punjab,
Mini Secretariat, Ferozepur Road,
Ludhiana.



Sh.Ajmer Singh,
Village MangliNichi,
P.O Ramgarh, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o XEN, Water Supply & Sanitation,
Division No-3, Ludhiana.

First Appellate Authority,
O/o SE, Water Supply and Sanitation
Circle Ludhiana.

...Respondent

Appeal Case No. 603 of 2020

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant through RTI application dated 20.09.2019 has sought information regarding expenditure made and cheques issued from Govt account for water works and other schemes from 1.12.2018 to 31.08.2019 and other information concerning the office of XEN, Water Supply & Sanitation, Division No-3, Ludhiana. The appellant was not provided the information after which the appellant filed first appeal before the First appellate Authority on 15.11.2019 which took no decision on the appeal.

The case was last heard on 17.08.2020. The appellant claimed that the PIO has not provided the information.

The respondent was absent. Having gone through the record, the Commission observes that there has been an enormous delay of more than ten months in attending to the RTI application. The PIO was issued a **show cause notice under Section 20 of the RTI Act 2005 and directed to file reply on an affidavit.**

The PIO was again directed to provide the information within 15 days and send a compliance report to the Commission.

Hearing dated 27.01.2020:

The case has come up for hearing today through video conferencing at DAC, **Ludhiana.** Both the parties are absent.

The Commission has received a letter from the PIO on 03.12.2020 stating that the information has already been provided to the appellant on 17.08.2020 and the appellant is satisfied with the information. The PIO has also sent an acknowledgement of the appellant having received the information.

Appeal Case No. 603 of 2020

The Commission has also received a reply to the show cause notice from the PIO which has been taken on the file of the Commission.

In the reply, the PIO has mentioned that the department comes under the essential services as per Govt of India guidelines and the Ludhiana District being densely populated, has been affected by the Covid-19 Pandemic as well as there is no regular Superintendent deployed in the office, due to which the information has been delayed.

Having gone through the reply, the Commission observes that the PIO has taken plea of the Covid-19 pandemic for delay in providing the information. However, as per record, the RTI application was filed on 20.09.2019 whereas the Covid-19 lockdown came into effect in the last week of March, 2020, and as per provisions of section 7 of the RTI Act, the information has to be provided within 30 days.

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, the PIO is 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.

The PIO is directed to submit a list of all PIOs from the date of filing RTI application, date of issue of show cause notice till providing the information.

To come up for further hearing on **07.04.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated: 27.01.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Parmod Kumar, S/o Sh Achoor Singh,
R/o PAM, C-9, Phase-5, Focal Point,
Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o GLADA,
Ludhiana.

First Appellate Authority,
O/o GLADA,
Ludhiana.

...Respondent

Appeal Case No. 4166 of 2019

PRESENT: Sh.Parmod Kumar as the Appellant at Chandigarh
None for the Respondent

ORDER:

The case was first heard on 26.02.2020. The respondent present pleaded that the information has been supplied to the appellant vide letter dated 19.02.2020 and a copy of the same submitted to the Commission. The appellant had received the information. The appellant however, was not satisfied with the reply regarding point 4(b) and stated that the decision of the court has not been provided. The PIO was directed to resolve the matter regarding point-4(b) within 10 days and send a compliance report to the Commission.

The case came up for further hearing on 02.06.2020 through video conference facility available in the office of Ludhiana.

The respondent pleaded that as discussed at the last hearing, the appellant has not sent the decision of the court on Special Leave Petition. The appellant informed that he had sent the same to GLADA via post on 05.03.2020 and a copy of the same was submitted to the Commission. A copy of the decision of the court on SLP submitted by the appellant was sent to the PIO and the PIO was directed to provide the information on point-4(b) within 15 days.

On the date of last hearing on **21.07.2020**, the appellant claimed that the PIO has not provided the information on point-4(b). The respondent present pleaded that since the earlier PIO has retired and he has since joined, the information sought on point-4(b) is not clear.

The appellant had asked the information that on what basis, the registration of plot No.C-23 was done after the SLP was rejected by the court. The PIO was directed to provide the information within 15 days.

Hearing dated 27.01.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana. The respondent is absent. The Commission has received a copy of letter on 20.08.2020 vide which the PIO has informed that the information is being provided to the appellant.

Appeal Case No. 4166 of 2019

The appellant claims that the PIO has not provided the information on point-4(c). The PIO is directed to provide information on point-4(c) and if the information is not available, to provide an affidavit that there is no further information on the basis of which the registration has been done.

The case is adjourned. To come up for compliance on **07.04.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated: 27.01.2021

Sd/-
(Khushwant Singh)
State Information Commissioner