

PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @ www.infocommpunjab.com
Email: psic22@punjabmail.gov.in



Sh. Rajeev Diwan,
R/o House No. 12, Golden City, Near APJ School,
Mundi Kharar, SAS Nagar.

Appellant

Versus

Public Information Officer,
O/o Sub District Magistrate,
Kharar, District-SAS Nagar.
First Appellate Authority,
O/o Sub District Magistrate,
Kharar, District-SAS Nagar.

Respondents

Appeal Case No.703/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
27.06.2018	Nil	01.10.2018	Nil	21.02.2019

Present: Sh. Rajiv Dewan, Appellant in person.
Sh. Santokh Singh, Clerk, SDM Office, Kharar – for Respondents.

Order:

The appellant is aggrieved with an action on the part of the respondents to evict him from the property following an order of ADC (G) – cum – Collector, SAS Nagar passed under the Senior Citizens Act, 2007. It is his contention that the respondents acted malafidely in implementing a non-est order dated 07.12.2017 which had been revised on 01.02.2018 by ADC, Mohali himself. It was confirmed by the Deputy Commissioner, Mohali, as well. He alleges that without waiting for the period available with him to comply with the order, the respondents in collusion with the local Police evicted him from the house whereas the aforementioned revised order mandated him to vacate the ground floor only. He further alleges that their household articles were dispatched in a truck which have still not been handed over to him. The appellant is seeking to know the copy of the proceedings/panchnama drawn enlisting the details of articles removed etc. while implementing the aforesaid order.

During the discussion it was observed that the Tehsildar Kharar and the local SHO are passing the buck on each other. The Commission understands that the proceedings along with the list of items should have been drawn by the revenue authorities only. The deployment of police is only to ensure the maintenance of the law & order. The Tehsildar Kharar is desired to provide him a copy of the proceedings having been recorded at the time of the eviction failing which it shall be

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Appeal Case No.703/2019

presumed that he is malafidely withholding the information and the penal consequences shall follow. The SHO, Kharar whose officers accompanied the revenue authorities should file an affidavit that the entire record associated with the execution of eviction orders available with them has been provided to the appellant. They shall also explain in writing the delay in providing the information without fail.

To come up on **23.04.2019 at 11.30 AM.**

28.03.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

CC: The SHO, Kharar, Distt. Mohali, for immediate action and report.

CC: The Tehsildar, Kharar, Distt. Mohali, for n/a.

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Smt. Harpreet Kaur,
W/o Sh. Rajwinder Singh,
R/o House No. 849, Sante Majra,
Ward No. 16, P.O. Landran, Kharar, Distt. Mohali.

Complainant

Versus

Public Information Officer,
O/o Senior Superintendent of Police,
Mohali.

Respondent

Complaint Case No.174/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
01.06.2018	Nil	Nil	Nil	12.02.2019

Present: Smt. Harpreet Kaur, Complainant in person.
HC Surjit Singh, SSP Office, Mohali – for Respondent.

Order:

The complainant is aggrieved with the action of the civil authorities and the local police towards demolition of the wall of her house and her detention by the police.

HC Surjit Singh appearing on behalf of the respondents says that the police was deployed for maintaining law & order. The Commission is not convinced with their response. They are directed to file a written reply to the notice of the Commission before the next date of hearing.

To come up on **23.04.2019 at 11.30 AM.**

28.03.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner

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Sh. Kuldip Singh Walia,
S/o Late Sh. Harjit Singh,
R/o Flat No. 1506, 2nd Floor,
Housefed Complex, Banur.

Complainant

Versus

Public Information Officer,
O/o Commissioner,
Municipal Committee,
Mohali.

Respondent

Complaint Case No.175/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
23.07.2018	Nil	Nil	Nil	06.02.2019

Present: Sh. Kuldip Singh Walia, Complainant in person.
Sh. Karam Chand Sood, Fire Office, MC Office, Mohali – for Respondent.

Order:

Sh. Karam Chand Sood appearing on behalf of the respondent has produced a copy of the reply which does not concern the complaint in hand. The complainant referred to the information about the completion certificate having been issued by the MC to the Housefed in respect of its complex in Banur on which they are silent.

The Commission takes a strong exception about the slipshod way the original application has been dealt with by the respondent. The PIO is desired to file a written reply to the notice of the Commission with a copy to the complainant besides providing him the information sought for. He will also explain delay in providing the information before the next date of hearing positively failing which penal consequences shall follow.

To come up on **23.04.2019 at 11.30 AM.**

28.03.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner



Sh. Tejinder Singh,
R/o Village-Bholapur, P.o-Ramgarh,
Chandigarh Road, Ludhiana.

Appellant

Versus

Public Information Officer,
O/o Assistant Excise and Taxation Commissioner,
Patiala, Punjab.

Public Information Officer,
O/o Excise and Taxation Commissioner,
Mohali, Punjab.

Respondents

Appeal Case No.77/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
29.09.2018	Nil	01.10.2018	Nil	18.12.2018

Present: None is present on behalf of the Appellant.
Sh. Ram Singh, ETO, O/o ETC (HO), Patiala – for Respondents.

Order:

The appellant had sought the information about the various regulations governing the dispensation and control on sale of liquor in the State.

The respondents have filed a written reply. They state that the appellant was duly informed vide their communication dated 11.10.2018 along with the copies of the relevant notifications, rules etc. The Commission has seen the reply. Apparently, it seems in order. An opportunity is afforded to the appellant to react on the submissions thus made by the respondents failing which it shall be presumed that he has nothing to say on the matter.

To come up on **23.04.2019 at 11.30 AM.**

Sd/-

28.03.2019

(Yashvir Mahajan)
State Information Commissioner



Sh. Tejinder Singh,
R/o Village-Bholapur, P.o-Ramgarh,
Chandigarh Road, Ludhiana.

Appellant

Versus

Public Information Officer,
O/o Sub Divisional Magistrate,
Fatehgarh Sahib.

First Appellate Authority,
O/o Sub Divisional Magistrate,
Fatehgarh Sahib.

Respondents

Appeal Case No.17/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
14.06.2018	Nil	12.08.2018	Nil	17.12.2018

Present: None is present on behalf of the Appellant.
Sh. Amarjit Singh, Clerk, SDM Office, Fatehgarh Sahib.

Order:

The Commission had made the following observations on 05.03.2019:

"The respondents have sent the information. The Commission has gone through it. It appears to be in order. Photocopy of the same has been handed over to the appellant on spot also. He may like to go through it and file a written reply."

The case has come up for hearing today. The appellant is not present. Nothing has been heard from him also. Seemingly he is satisfied with the information. The Commission is not inclined to further keep the issue alive.

Disposed.

Sd/-

28.03.2019

(Yashvir Mahajan)
State Information Commissioner



Sh. Rajesh Kumar Bharti,
 R/o #70/2 Gali No. 15-14 B,
 Sawatantar Nagar, Narela, Delhi-40.

Appellant

Versus

Public Information Officer,
 O/o Executive Officer,
 Municipal Council,
 Zirakpur, Distt. Mohali.
 First Appellate Authority,
 O/o Additional Director,
 Local Government,
 Plot No. 3, Dakshin Marg, Sector-35A, Chandigarh.

Respondents

Appeal Case No.3265/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
15.04.2018	Nil	24.05.2018	Nil	21.09.2018

Present: **None on behalf of the Appellant.**
 1. Sh. Gurinder Singh, MC office, Zirakpur, and
 2. Sh. Amandeep, Clerk, Estt. Br., O/o Dir. Local Govt., Pb. – for Respondents.

ORDER

The following order was made by the Commission on 26.02.2019:

Having failed to procure the information vide his application dated 24.05.2018 and first appeal, the appellant has been constrained to file second appeal with the Commission. He is seeking information primarily relating to the specifications of a road and the encroachments thereof, if any. The respondents have stone-walled his application for information despite following the proper course.

Sh. Vikas Kumar, Clerk O/o Director, Local Government, Punjab, is present. He says that his application was duly forwarded to the PIO, O/o Municipal Council, Zirakpur. None is present on behalf of the PIO, O/o M.C., Zirakpur nor any written reply has been received to the notice of the Commission.

The Commission takes a very strong exception to such a stoic conduct. Apparently, the PIO has violated the provision of Section 7(1) of the Act and rendered himself liable for penal



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Appeal Case No.3265/2018

consequences.

The jurisdictional PIO – cum – Executive Officer, Municipal Council, Zirakpur is issued a show cause notice 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 Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.

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.”

“The matter has again been taken up today. Sh. Girish Verma, PIO – cum – EO, MC, Zirakpur was issued a show cause notice. Neither he has come present nor has he filed a written explanation. His proxy is seeking an adjournment. The matter shall be reheard on 28.03.2019 at 11.30 AM.”

The matter has again come up today. It seems that the Executive Officer, M.C., Zirakpur is defiant and disdainful to the Commission’s orders/directions. He is hereby directed to

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Appeal Case No.3265/2018

appear in person on the next date of hearing along with an affidavit explaining his conduct and the original record pertaining to the information sought. The Commission underlines that he will further ignore these orders at the cost of serious consequences.

To come up on **23.04.2019 at 11.30 AM.**

28.03.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**



Shri Bharpur Singh,
s/o Shri Sarwan Singh,
R/o Village Lubhana Teku, Tehsil Nabha,
District- Patiala.

Appellant

Versus

Public Information Officer,
O/o Block Development & Panchayat Officer,
Nabha, District Patiala.

First Appellate Authority,
O/o District Development & Panchayat Officer,
Patiala.

Respondents

Appeal Case No.3140/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
20.06.2018	Nil	17.07.2018	Nil	17.09.2018

Present: Sh. Bharpur Singh, Appellant in person.
Sh. Baljit Singh, Panchayat Secretary, BDPO Office, Nabha – for Respondents.

ORDER

The Commission had made the following observations on 21.02.2019:

“This should be read in continuation of order passed by this forum on 13.11.2018.

The case has come up today. Sh. Baljit Singh, Panchayat Secretary appearing on behalf of the respondents says that he has recently joined and assures to provide the information expeditiously. While accepting his request the Commission directs him to part with the information and file an explanation in writing for the delay before the next date of hearing failing which it shall be presumed that he has nothing to say and the order shall be passed on the appraisal of facts on record.”

“The matter has been taken up today. Mrs. Kamaljit Kaur, Superintendent, is present on behalf of the respondents. She has brought along the information which has been handed over on

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Appeal Case No.3140/2018

spot to the appellant. The appellant alleges serious irregularities on the part of the gram panchayat in cahoot with the Panchayat Secretary. Be that as it is the appellant may like to go through the information provided and convey in writing the deficiency, if any, before the next date of hearing.”

The matter has again come up today. The appellant is still dissatisfied as the information provided, according to him, is unattested. Sh. Baljit Singh, Panchayat Secretary appearing on behalf of the respondents undertakes to attest it here and now only. It also transpires that the copies of Measurement Book being maintained by the J.E. for execution of works have not been provided. The J.E. is directed to provide him the copies of the M.B. as asked for in the original application. The BDPO shall monitor it. The J.E. shall be deemed as PIO and is directed to comply with the aforesaid instructions.

To come up on **23.04.2019 at 11.30 AM.**

Sd/-

28.03.2019

**(Yashvir Mahajan)
State Information Commissioner**



Sh. Sanjeev Kumar Birla,
R/o #5473/2, Modern Housing Complex,
Manimajra, Chandigarh - 160101.

Appellant

Versus

Public Information Officer,
O/o Executive Officer,
Municipal Council,
Zirakpur, SAS Nagar.

First Appellate Authority,
O/o Executive Officer,
Municipal Council,
Zirakpur, SAS Nagar.

Respondents

Appeal Case No.3918/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
29.06.2018	Nil	10.09.2018	Nil	15.11.2018

Present: Sh. Sanjiv Kumar Birla, Appellant in person.
Sh. Lakhvir Singh, Bldg. Inspector, MC office Zirakpur – for Respondents.

ORDER

The following observations were made by this forum on 26.02.2019:

“The respondents are absent. Nothing has been heard from them as well. The Commission takes a strong exception and desires the respondents to explain their conduct besides providing the information to the appellant before the next date of hearing positively.”

“Sh. Gurpreet Singh, Building Inspector has come present on behalf of the respondents. Nothing has been heard from the appellant. The respondents have endorsed a copy of the memo addressed to the appellant wherein they have advised that the appellant should attend their office and procure the information by depositing the requisite fee.

The original application was filed on 29.06.2018. The respondents have sent a reply to the appellant on 10.01.2019. There is unexplained delay of five months. The respondents are directed to explain the delay in responding to the original application forthwith. The appellant may like to advert on their reply and file his response before the next date of hearing.”



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Appeal Case No.3918/2018

The case has again come up for hearing today. The status-quo remains. The Commission feels that the information sought is quite voluminous and its dispensation per se shall divert their resources disproportionately. However, on the other hand, the respondents seem to have completely washed their hands under the garb that the information sought is in the shape of a questionnaire. The Commission overrules their contention. They are supposed to inform the information seeker to the extent possible. They are directed to give a point-wise reply to the appellant immediately under intimation to the Commission. They shall also provide him the certified copies of the documents wherever feasible free of cost and shall also explain the delay in providing information.

The matter shall be reheard on **23.04.2019 at 11.30 AM.**

28.03.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**



Sh. Baldev Kumar,
S/o Sh. Surjit Ram,
R/o #1789, Near Shiv Mandir, Sector 11,
College Colony, Dera Bassi, Distt. Mohali.

Complainant

Versus

Public Information Officer,
O/o Executive Officer,
Nagar Council,
Dera Bassi, Distt. Mohali.

Respondent

COMPLAINT CASE NO.691/2018

Date of RTI application: 14.05.2018
Date of First Appeal : Nil
Date of Order of FAA or Reply: Nil
Date of 2nd Appeal/complaint: 25.06.2018

Present: **Sh. Baldev Kumar, Complainant in person.**
Sh. Jaswant Singh, JE, NC office, Dera Bassi – for Respondent.

ORDER

The following observations were made by the Commission on 27.11.2018:

“The complainant is aggrieved with the respondent for having failed to sanction the building plan submitted by him despite having deposited Rs.76,940/- as building approval fee. He has put some posers to the Public Authority.

In their reply the respondent has denied to give him the information branding it a questionnaire. It is not permissible according to them under the RTI Act. The respondent says that the complainant has submitted in writing to them that he is not interested to follow his complaint and as such the issue be closed. The complainant, on the other hand, alleges that it has been obtained under duress.

The Commission directs that the available information on record should be provided to the complainant. The stance of the respondent that questions are being asked is not sustainable. He has sought some relevant replies as the sanctioning of his building plan has been withheld despite the demand and deposition of a handsome amount.”

Contd....page...2



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COMPLAINT CASE NO.691/2018

The matter has been taken up today for hearing. Sh. Jaswant Singh, JE appearing on behalf of the respondent says that they have sent a communication to the complainant with the details of the facts on file. The Commission has gone through it. The respondent has not communicated the complete information to him. It lands us nowhere. The original application was filed by him on 14.05.2018. Despite a lapse of about nine months the respondent has stone-walled the information sought by him.

The Commission feels that the respondent has violated the provisions of the RTI Act and has rendered themselves liable for penal consequences. The incumbent PIO is, thus, issued a show cause notice 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.

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.

While giving the reply he would also give the history of postings of the Executive Officers who had been sitting over his application ever since.

To come up on **23.04.2019 at 11.30AM.**

Sd/-

28.03.2019

**(Yashvir Mahajan)
State Information Commissioner**

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Sh. Raj Kumar Sethi,
#71-D, Rajguru Nagar,
Ludhiana

Appellant

Versus

Public Information Officer
O/o Executive Officer,
Nagar Improvement Trust, Ludhiana

First Appellate Authority
O/o Addl. Chief Secretary to Govt. of Punjab,
Department of Local Govt. Plot No.3, Sector-35-A,
Sathanik Sarkar Bhawan, Chandigarh.

Respondents

APPEAL CASE NO.105/2018

Date of RTI application :14.09.2017
Date of First Appeal :03.11.2017
Date of order of FAA : Reply 04.10.2017
Date of 2nd Appeal/complainant:23.12.2017

Present: **Sh. Raj Kumar Sethi, Appellant in person.**
Sh. Kulwinder Singh, PIO – cum – Superintendent, Trust Service Cell, O/o
Director, Local Government, Punjab – for Respondents.

ORDER

In compliance with the order passed by the Commission on 21.02.2019 Sh. Kulwinder Singh, PIO – cum – Superintendent, Trust Service Cell, O/o DLG has come present with the original record. The same has been arranged to be inspected by the appellant. He has identified the noting portions of the file relating to the Resolution No.484 dated 28.11.2017 of the Improvement Trust, Ludhiana. Its certified copies have been arranged to be delivered to the appellant on spot. The Commission feels that the appellant has been sufficiently informed. No further intervention is desirable.

The case is **closed**.

Sd/-

28.03.2019

(Yashvir Mahajan)
State Information Commissioner

CC: The Director of Local Govt., Pb., Sathanik Sarkar Bhawan, Plot No. 3- A, Sec. 35, Chandigarh.



Sh. Rulda Ram,
S/o Sh. Toti Ram,
R/o Village Majri, PO Sialbagh,
Tehsil Kharar, S.A.S Nagar.

Appellant

Versus

Public Information Officer,
O/o Tehsildar,
Kharar, Distt. S.A.S Nagar.

First Appellate Authority,
O/o Deputy Commissioner,
S.A.S Nagar.

Respondents

APPEAL CASE NO.2167/2018

Date of RTI application: 26.02.2018
Date of First Appeal : 11.04.2018
Date of Order of FAA or Reply: Nil
Date of 2nd Appeal/complaint: 26.06.2018

Present: **None on behalf of the Appellant.**
Sh. Harmesh Kumar, Office Kanungo, Tehsildar off., Kharar – for Respondents.

ORDER

The following order was passed by this forum on 21.02.2019:

“The appellant has sought a copy of ‘Naqsha Haqdaaran’ framed on the consolidation of land of Village Majri, Tehsil Kharar at the time of the consolidation of holdings. The PIO to whom the application was originally submitted has erroneously forwarded the RTI application to the Naib Tehsildar, Majri who has submitted a reply which apparently is misleading. The appellant submits that he is only seeking the area defined for the shamlat and private owners and is not seeking the copies of record of rights for which he has been asked to pay a cost of providing information. The respondents are advised to provide him the information as asked for vide his original application before the next date of hearing along with ‘Naqsha Haqdaaran’ constructed at the time of consolidation.”

“The case has come up today. The respondents have communicated in writing to the appellant that the information sought is not available with them. The Commission understands that

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APPEAL CASE NO.2167/2018

Consolidation Scheme having been decided by the then competent authority should be a permanent record and be available with them until or unless it has been destroyed under a valid order as prescribed in Rules. It shall be deemed to be held by the Public Authority. The respondents are again directed to arrange to provide it to the appellant or else face penal action.”

“The case has again come up today for hearing. Sh. Ragbir Singh, Office Kanungo appearing on behalf of the respondents has brought along the copy of the ‘Naqsha Haqdaaran’ constructed at the time of consolidation. The respondents are hereby directed to send it across to him by a mode they deem it appropriate under intimation to the Commission.”

The case has again been taken up for hearing. In compliance with the above order the respondents had sent him the copies of the documents as mentioned in the aforesaid order. It has been reported that the appellant refused to accept it.

The appellant is absent consecutively. His conduct is not cooperative. In such a scenario the Commission is not in a position to further assist him. The respondents are advised to send him the documents by post.

The appeal is **disposed**.

Sd/-

28.03.2019

(Yashvir Mahajan)
State Information Commissioner