

PUNJAB, STATE INFORMATION COMMISSION
Sector-16, Madhya Marg, Near Rose Garden, Chandigarh

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Sh Ajit Singh,
Village Nikku Chak , P.O Hajipur, Tehsil Mukerian,
Distt. Hoshiarpur.

... Appellant

Versus

Public Information Officer,
SDM, Mukerian,
Distt. Hoshiarpur.

First Appellate Authority,
SDM, Mukerian,
Distt. Hoshiarpur.

...Respondent

Appeal Case No. 1802 of 2018

Present None for the Appellant
 None for the Respondent

ORDER:

The case was first heard on **31.07.2018**. The respondent was absent. The respondent present informed that the information has been provided to the appellant. The appellant was not satisfied with the information except point No.3. The PIO was directed to inform the official lunch time of the employees.

The PIO was also directed to be present personally on the next date of hearing and explain the reasons for not providing the information within the prescribed time under the RTI Act and why action should not be taken against him for such enormous delay for such a basic information.

The case was again heard on **06.09.2018**. The appellant informed that he has not received the information. The appellant also presented before the commission a reply from the SDM's office vide letter-dated 30.07.2018 wherein it is stated that since the information sought is of a personal matter, it cannot be provided.

The PIO was absent The PIO was directed to send the official notification of office work timings, including the timings of the lunch break to the appellant within 5 days of the receipt of the orders of the Commission. The PIO was also directed to be present personally on the next date of hearing with an explanation.

The case was last heard on **17.10.2018**. The order is reproduced hereunder:

"The PIO is absent in spite of being directed to be present personally. However, the PIO is represented via clerk Surinder Kumar in the office of the SDM. As per clerk Surinder Kumar the PIO is on leave, even though no representation has been made.

The PIO has sent a letter explaining the sequence of events and the efforts that have been made to deliver the information to the appellant as per the previous interim orders of the commission. The clerk, who represented the respondent has submitted the letter, which is taken on the file of the commission.

Via the letter, the PIO has stated that the following – That information was sent to the appellant vide letter dated 31.08.2018 which was returned as undelivered since the appellant was not available at his residence.

That the information was again sent directly to the appellant through Naib Tehsildar, Hajipur on 25.09.2018 but since the appellant was not available at his residence his wife refused to receive the information. That the information has again been sent to the appellant vide registered letter dated 05.10.2018.

The respondent present, explaining the contents of the letter further contended that the information regarding point No.3 has been sent to the appellant on 31.08.2018.

The respondent has handed another copy of the information to the appellant before the Commission.

The appellant, however, pleaded that the information regarding point No.2 has also not been provided, which the respondent has again handed over to the appellant. The appellant further pleaded that the information is not certified. The appellant also pleaded that he is a senior citizen and has been harassed unnecessarily, for which the PIO should be penalized and he compensated.

Order:

1) Having gone through the reply of the PIO, I see no mala-fide on the part of the PIO to provide information, thus no penalty is being imposed. However, the Commission is of the view that since the appellant had to suffer undue inconvenience to get the information, it is a fit case for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act.

The PIO is directed to pay an amount of Rs.2000/- 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.

2) The PIO is directed to provide a certified copy of the information regarding point No.2 & 3 to the appellant and send a compliance report to the Commission."

Hearing dated 28.11.2018:

The Commission has received an email from the PIO, SDM Mukerian vide which it has been informed that in compliance with the orders of the Commission, a bank draft of Rs.2000/- as compensation has been sent to the appellant and a copy of the same is submitted to the Commission.

Since the compensation has been provided, no further course of action is required.

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

Chandigarh
Dated: 28.11.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Sandeep.Khattari,
126/B-6, Gulmohar city,
Dera Bassi, Mohali.

... Appellant

Versus

Public Information Officer,
GMADA, Sector-62,
Mohali.

First Appellate Authority,
GMADA, Sector-62,
Mohali.

...Respondent

Appeal Case No. 2137 of 2018

Present: **None for the Appellant**
 Ms.Suman Bala PIO GMADA and Smt.Manpreet Kaur JDM O/o STP Mohali
 for the Respondent

ORDER:

The case was first heard on 04.09.2018. The appellant was absent. The respondent Ms.Poonam Katyal from the office of Chief Town Planner pleaded that they have received the RTI on 26.04.2018 which was transferred to the PIO STP SAS Nagar as the information pertains to them. Sh.Vinod Kumar, Clerk from Licensing Branch, Mohali pleaded that the information pertains to the Regional Dy Director, Local Govt. Punjab, Patiala and the RTI application has been transferred to them on 01.05.2018 as all the record relating to this colony Rosewood Estate Gulabgarh Dera Bassi was transferred to the Regional Dy. Director, Local Govt vide letter no.3472 dated 17.12.2014. The appellant has also been informed vide letter dated 31.08.2018 and a copy of the same is submitted to the Commission.

In view of the above, the PIO, Dy.Director, Department of Local Govt., Punjab, Patiala was directed to look at the RTI and provide the information to the appellant. The PIO was also directed to be present personally on the next date of hearing.

The case was last heard on **16.10.2018**. The order is reproduced hereunder:

“The respondent present pleaded that the information pertains to the Regional Dy Director, Local Govt. Punjab, Patiala and the RTI application has been transferred to them on 01.05.2018 as all the record relating to this colony Rosewood Estate Gulabgarh Dera Bassi was transferred to the Regional Dy. Director, Local Govt vide letter no.3472 dated 17.12.2014. The appellant was also informed vide letter dated 31.08.2018.

At the last hearing, the PIO Regional Dy Director, Local Govt. Punjab, Patiala was directed to provide the information to the appellant. Since the appellant is not present, it cannot be discussed whether he has received the information or not.

Keeping the above in view, the PIO Regional Dy Director, Local Govt. Punjab, Patiala is again directed to provide the information to the appellant as per RTI application which has been forwarded to them by the PIO GMADA on 01.05.2018. The PIO is also directed to be present personally or through his representative on the next date of hearing.

Regarding delay in transferring the RTI application, the PIO GMADA pleaded that the delay was due to shortage of staff. The PIO is directed to give this in writing.”

Hearing dated 28.11.2018:

The respondent present pleaded that the RTI application has already been transferred to the PIO Regional Dy Director, Local Govt. Punjab, Patiala. Regarding delay in transferring the application, the respondent pleaded that as per enquiry conducted, a Clerk Smt.Jyoti Kumari was found guilty and her explanation has been called for.

In the earlier hearings on 04.09.2018 & 16.10.2018, the PIO Regional Dy Director, Local Govt. Punjab, Patiala was directed to provide information as per RTI application forwarded to them by the PIO GMADA but no response has been received from the PIO. The PIO is absent on 3rd consecutive hearing.

The Commission has taken a serious view of this. The PIO Regional Dy Director, Local Govt. Punjab, Patiala is hereby granted one last opportunity to be present personally on the next date of hearing with explanation for not attending to the RTI application otherwise the Commission will be constrained to take action under the RTI Act. The PIO is also directed to provide the information within 15 days.

To come up on **21.01.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 28.11.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

P.S.: The appellant appeared late and informed that he has not received the information.

CC to: The PIO, Regional Dy. Director,
Department of Local Govt.,
Punjab, Patiala

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Sh.Charanjeet Singh,
112-D, SBP Homes Extn-
Sector-126, Chajju Majra Road,
Kharar.

... Appellant

Versus

Public Information Officer,
GMADA, Sector-62,
Mohali

First Appellate Authority,
GMADA, Sector-62,
Mohali

...Respondent

Appeal Case No. 2152 of 2018

Present: **Sh.Charanjeet Singh as Appellant**
 Ms. Suman Bala, AEO-cum-PIO GMADA for the Respondent

ORDER:

The case was first heard **on 04.09.2018**. The respondent was absent. The PIO was directed to provide the information within 15 days of the receipt of the orders of the Commission. The PIO was also directed to be present personally on the next date of hearing and explain the reasons for delay in responding to the RTI application.

The case was last heard on **16.10.2018**. The order is reproduced hereunder:

“The respondent present pleaded that the information does not pertain to them.

The PIO is directed to ascertain which particular department handles the information which the appellant has sought and forward the RTI application to the concerned PIO within 5 days of the receipt of the orders of the Commission. The PIO is also directed to send compliance report to the Commission.”

Hearing dated 28.11.2018:

The respondent present informed that the information pertains to the Office of Registrar Co-operative Societies, Punjab and the RTI application has been transferred to them vide letter dated 23.10.2018. The appellant has not received the information.

The PIO, Registrar Co-operative Societies, Punjab is directed to provide the information to the appellant within 15 days as per RTI application forwarded to them by the PIO GMADA on 23.10.2018 and send compliance report to the Commission.

The case is adjourned. Both the parties to be present on **21.01.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 28.11.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to The PIO, Registrar Co-operative Societies, Punjab
17 Bays Building, Sector 17, Chandigarh.

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Sector-16, Madhya Marg, Near Rose Garden, Chandigarh

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Sh Amarinder Singh, S/o Lt Sh Amarjit Singh,
R/o H.NO-1258, Sector-37-B, Chandigarh.

... Appellant

Versus

Public Information Officer,
GAMDA, Sector-62,
Mohali.

First Appellate Authority,
GAMDA, Sector-62,
Mohali.

...Respondent

Appeal Case No. 2206 of 2018

Present: None for the Appellant
Ms. Suman Bala, AEO-cum-PIO GMADA and Sh.Chanan Ram, PIO CTP for the Respondent

ORDER: The case was first heard on 06.09.2018. Since both the parties were absent, the case is adjourned.

The case was again heard on **17.10.2018**. The order is reproduced hereunder:

“The appellant informed that he was asked by the PIO to deposit an amount of Rs.654/- for getting information which he has already deposited but the information has not been provided to him.

The respondent is absent on 2nd consecutive hearing. The Commission has taken a serious view of this and directs the PIO to relook at the RTI application and provide the information to the appellant within 10 days of the receipt of the orders of the Commission. The PIO is also directed to appear personally on the next date of hearing and explain the reasons for not providing the information within the time prescribed under the RTI Act.”

Hearing dated 28.11.2018:

The respondent present pleaded that the information regarding points 1 to 5 has been provided to the appellant vide letter dated 21.11.2018 and the information regarding point No.6 relates to the office of Chief Town Planner. The PIO present from the office of CTP pleaded that the appellant was asked to requisite fee of deposit Rs.654/- which the appellant deposited with the Administrator PUDA but the same has not been received by them.

However, the Commission finds that since the delay in the receipt of Rs.654/- is their inter-departmental issue, the appellant is being harassed unnecessarily. The Commission hereby directs the PIO, CTP to provide the information regarding point No.6 within a week and send compliance report to the Commission.

The case is adjourned. Both the parties to be present on **21.01.2019 at 11.00 AM** for further hearing.

Sd/-

Chandigarh
Dated: 28.11.2018.

(Khushwant Singh)
State Information Commissioner

PS: The appellant Sh.Amarinder Singh appeared late and submitted a letter regarding discrepancies in the information provided. A copy of the same is being attached with the order for the PIO GMADA and PIO CTP Punjab to relook and remove the discrepancies pointed out by the appellant.

CC to: The PIO, Chief Town Planner, Punjab, Mohali

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Sh Ashok Kumar,
214, Pine Homes, Dhakoli,
Zirakpur

... Appellant

Versus

Public Information Officer,
Chief Administrator, GAMDA,
Sector-62, Mohali.

First Appellate Authority,
Chief Administrator, GAMDA,
Sector-62, Mohali.

...Respondent

Appeal Case No. 2212 of 2018

Present: **Sh.Ashok Kumar as Appellant**
 Ms. Suman Bala, AEO-cum-PIO GMDA for the Respondent

ORDER: The case was first heard on **06.09.2018**. The respondent was absent. The appellant stated that the information which has been sent is not as per the correct reference number of his RTI application which was 12.03.2018 but the quoted reference number is 03.04.2018. The appellant has pointed out discrepancy in point No.1. The appellant has also raised an objection that the information is not certified. He further informed that he is satisfied with the information regarding point No. 2 & 3.

The PIO was directed to relook at the RTI application and sort out the discrepancy raised by the appellant."

The case was last hearing on **16.10.2018**. The order is reproduced hereunder:

"In the last hearing the PIO was directed to relook at the RTI application and sort out the discrepancy raised by the appellant.

The respondent present has brought noting and has sought further time. The PIO is directed to comply with the previous orders of the Commission which still stands and provide the information to the appellant within 20 days. The PIO is also directed to explain the reasons for delay and not tending to the RTI application on an affidavit."

Hearing dated 28.11.2018:

The respondent present pleaded that the information has been provided to the appellant and discrepancy has also been removed. The appellant has received the information and is satisfied.

Regarding delay in providing the information, the respondent pleaded that due to shortage of staff and retirement of Superintendent-cum-APIO dealing with IT city projects as well as maximum number of public dealings, the information has been delayed.

The plea is accepted. No further course of action is required.

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

Chandigarh
Dated: 28.11.2018.

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sector-16, Madhya Marg, Near Rose Garden, Chandigarh

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Sh Ashok Kumar,
214, Pine Homes, Dhakoli,
Zirakpur

... Appellant

Versus

Public Information Officer,
Chief Administrator, GAMDA,
Sector-62, Mohali.

First Appellate Authority,
Chief Administrator, GAMDA,
Sector-62, Mohali.

...Respondent

Appeal Case No. 2213 of 2018

Present: **Sh.Ashok Kumar as Appellant**
 Ms. Suman Bala, AEO-cum-PIO GMDA for the Respondent

ORDER: The case was first heard on **06.09.2018**. The respondent was absent. The appellant stated that the information which has been sent is not as per the correct reference number of his RTI application which was 12.03.2018 but the quoted reference number is 03.04.2018. The appellant has also raised an objection that the information is not certified. He further informed that he is satisfied with the information regarding point No. 2 & 3

The PIO was directed to relook at the RTI application and sort out the discrepancy raised by the appellant and provide the information.

The case was last heard on **16.10.2018**. The order is reproduced hereunder:

“In the last hearing the PIO was directed to relook at the RTI application and sort out the discrepancy raised by the appellant.

The respondent present has brought noting and has sought further time. The PIO is directed to comply with the previous orders of the Commission which still stands and provide the information to the appellant within 20 days. The PIO is also directed to explain the reasons for delay and not tending to the RTI application on an affidavit.”

Hearing dated 28.11.2018:

The respondent present pleaded that the information has been provided to the appellant. The appellant informed that he has not received the information regarding point No.1 and the information provided is not certified. The respondent is directed to provide certified copies of the information.

Regarding point No.1, the respondent pleaded that the information being third party, cannot be provided since the concerned parties have objected to part with their information. The PIO is directed to invoke appropriate section of the RTI Act if the information sought is being denied and respond to the appellant accordingly.

The case is adjourned. Both the parties to be present on **21.01.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 28.11.2018.

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Rajesh Kumar, S/o Lt Sh Om Prakash,
R/o Near Police Station Sadar Railway Road,
Nabha.

... Appellant

Public Information Officer,
Deputy Commissioner,
Mini Secretariat, Block-A,
Patiala..

First Appellate Authority,
Deputy Commissioner,
Mini Secretariat, Block-A,
Patiala.

...Respondent

Appeal Case No. 1303 of 2018

Present: None for the Appellant
 Ms.Pallvi Sharma O/o DC Patiala for the Respondent

ORDER:

The case was first heard on **20.06.2018**. The PIO was directed to provide the information to the appellant and be present on the next date of hearing alongwith proof of having been sent the information."

The case was again heard on **31.07.2018**. The respondent was absent and sought adjournment The PIO was directed to comply with the original orders and provide the information to the appellant before the next date of hearing.

The case was again heard on **04.09.2018**: The appellant had sought information on 7 points. The respondent Sh.Gagan Uppal,Suptd. O/o EO NC Nabha was present who informed that they received the RTI application through DC Office Patiala. The respondent further informed that the information regarding points 1,2 &3 pertains to DC Patiala and the PIO DC Patiala has not provided them with the detail of property for which the appellant has sought information. he respondent further pleaded that the appellant has also been informed that vigilance enquiry about a property situated in old Hathikhana Nabha is pending and information cannot be provided till the enquiry is completed.

After hearing both the parties, the PIO, NC Nabha was directed to provide information regarding points 4, 5 & 6. The PIO, DC Patiala was directed to provide information relating to point No.1, 2 & 3 in accordance with the RTI Act.

The case was last heard on **16.10.2018**. The order is reproduced hereunder:

"The respondent from the office of NC Nahba pleaded that the information relating to points 4,5 & 6 has been sent to the appellant on 26.09.2018 and a copy is submitted to the Commission.

The respondent from the office of DC Patiala pleaded that he has brought the information relating to points 1,2 & 3, a copy of which is submitted to the Commission. The PIO is directed to send the same to the appellant through registered post.

Keeping in view the history of the case, it is evident that the public authority has sent the information to the appellant to the best possible extent, which was held under its control. Since the appellant is absent to point out the discrepancy, if any, he is granted one more opportunity to point out the discrepancy. He is also directed to be present on the next date of hearing failing which the case will be decided ex-parte.”

Hearing dated 28.11.2018:

The respondent present from the office of DC Patiala pleaded that the information has been sent to the appellant vide letter dated 15.10.2018 and a copy of the same is submitted to the Commission. The appellant is absent and vide email has informed that the PIO, DC Patiala and PIO, EO NC Nabha have sent incomplete information. A copy of the information brought by the respondent is also being sent to the appellant alongwith the orders.

The PIO, DC Patiala and the PIO EO,NC Patiala are directed to relook the RTI application and remove the discrepancies. The appellant is also directed to be present on the next date of hearing failing which the case will be decided ex-parte.

To come up on **21.01.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated:28.11.2018.

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh A.P Mehta,
88, Professor's Colony,
Tilak Nagar, Amritsar.

Appellant.

Versus

Public Information Officer,
DPI (C), P.S.E.B,
Phase-8, Mohali.

First Appellate Authority,
Principal Secretary,
Higher Education, Govt of Punjab,
Chandigarh.

...Respondent

Appeal Case No. 1398 of 2018

Present: Sh.R.C.Verma on behalf of Sh. A.P.Mehta Appellant
Sh.Amarjot Singh, Sr.Assistant DPI Colleges Mohali for the Respondent

ORDER:

The case was first heard on **02.07.2018**. Sh.R.C.Verma was present on behalf of Sh.A.P.Mehra, appellant. Sh.Amarjot Singh, Sr.Assistant from the office of DPI Colleges Mohali was present on behalf of Respondent.

The PIO was directed to submit proof of dispatch of information relating to point A & I and exemption if any relating to point (F) and provide remaining information to the appellant in accordance with RTI Act within 15 days and send proof of dispatch of information to the Commission. The PIO was further directed to explain the reason for delay in providing the information and be present personally on the next date of hearing.

The case was again heard on **07.08.2018**. The order is reproduced hereunder:

The respondent present pleaded that the information relating to point –A has been provided to the appellant. The appellant pleaded that he has received the same but the PIO has not provided the action taken on the complaint. The PIO was directed to provide status of the enquiry. Regarding point-B, copy of directions be provided. Regarding point-C, to provide time period, regarding point-D- to provide copies of all proceedings. For remaining information which was to be provided, the PIO was directed to provide point-wise information in accordance with the RTI Act.”

The case was last heard on **23.10.2018**. The order is reproduced hereunder:

“This order should be read in continuation to the earlier orders. The appellant informed that the information has not been provided to him.

The respondent is absent. The PIO is directed to send the information to the appellant within 10 days of the receipt of the orders of the Commission. A copy be also marked to the Principal Secretary, Higher Education, the First Appellate Authority to take note of this and ensure its compliance.”

Hearing dated 28.11.2018:

The respondent present pleaded that the information has been provided to the appellant. The appellant has pointed out some discrepancies in the information provided vide letter received in the Commission on 26.11.2018 which is taken on the file of the Commission.

I have seen the RTI application and the reply of the PIO and hereby directs the PIO to provide the copies of the proceedings regarding point-D. Regarding point-H, the appellant is directed to specify the documents that he needs and the PIO is directed to provide the information/documents as per RTI application. Rest of the information has been provided by the PIO to the best possible extent.

To come up on **21.01.2019 at 11.00 AM** for further hearing.

Sd/-

Chandigarh
Dated: 28.11.2018

(Khushwant Singh)
State Information Commissioner

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ShJaswinder Singh, S/o ShKartar Singh,
Village Chak Bhaike, Tehsil Budhlada,
Distt Mansa.

.... Appellant.

Versus

Public Information Officer,
EO, Nagar Council,
Budhlada, Distt Mansa.

First Appellate Authority,
Deputy Director, Local Bodies,
Bathinda.

...Respondent

Appeal Case No. 1521 of 2018

Present: Sh.Jaswinder Singh as Appellant
None for the Respondent

ORDER:

The case was first heard on **09.07.2018**. The respondent was absent. The appellant informed that against the deposit of fee of Rs.2000/-, he received only one page of information. The PIO was directed to be present personally on the next date of hearing and explain that why the appellant was asked to deposit Rs.2000/- at the first instance and also to explain the rationale behind Rs.2000/- fee for one page of information."

The case was again heard on **07.08.2018**. Sh.Amrit Pal Singh Accountant was present on behalf of the PIO. The respondent pleaded that the information has been provided and the amount has been refunded to the appellant. The appellant pleaded that the information is incomplete as in point No.2, qualification has not been mentioned.

The Commission found that the information has been provided as per RTI. However, the respondent was not able to explain the reason why the appellant was asked to deposit Rs.2000/- for a single page information. It was a clear indication of harassment and mala fide intention of the PIO to ask the appellant to deposit Rs.2000/-. The PIO was directed to explain why appropriate action under the RTI Act should not be taken against him and why he should not be penalized for not providing the information in time and for charging exorbitant fee in violation of the section 7(1) of the RTI Act. The reply to be submitted by way of an affidavit.

The case was last heard on **23.10.2018**. The order is reproduced hereunder:

"The information has been provided. The appellant is exempted for further hearing."

In the last hearing, the PIO was directed to explain why appropriate action under the RTI Act should not be taken against him and why he should not be penalized for not providing the information in time and for charging exorbitant fee in violation of the section 7(1) of the RTI Act. The reply should be submitted by way of an affidavit.

The respondent is absent. One more opportunity is being provided to the PIO and he is directed to comply with the earlier orders of the Commission and submit reply by way of an affidavit.

Hearing dated 28.11.2018:

The respondent is absent. In the hearing on 07.08.2018 and 23.10.2018, the PIO was directed to explain why appropriate action under the RTI Act should not be taken against him and why he should not be penalized for not providing the information in time and for charging exorbitant fee in violation of the section 7(1) of the RTI Act. The PIO was also directed to be present personally and submit reply by way of an affidavit.

The PIO has failed to comply with the orders of the Commission. The Commission has taken a serious note of this and hereby directs the PIO to **to show cause why penalty be not imposed on him under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time**, and for not complying with the orders of the Commission, he should file an affidavit in this regard, if there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

To come up on **21.01.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 28.11.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sector-16, Madhya Marg, Near Rose Garden, 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: Sukhdev Raj as Appellant
None on behalf of 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 last 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 was last heard on **23.10.2018**. The order is reproduced hereunder:

“In the last hearing the PIO was issued show cause notice and he was directed to be present personally on the next date of hearing and file the reply to the show cause by way of an affidavit.

The PIO is 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 has not brought any information.

The PIO is granted one last opportunity to explain the reasons for delay in providing the information as well as not abiding by the orders of the Commission to provide information. The PIO is also directed to be present personally on the next date of hearing and file reply to the show cause by way of an affidavit.”

Hearing dated 28.11.2018:

Facts of the Case-

- 1) That the appellant Sh.Sukhdev Raj Devgan filed an RTI application on 01.02.2018 seeking 6 points information regarding documents submitted by Pujya Mata Lal Devi Trust Amritsar for its registration, copy of registration certificate issued and other information as per RTI application

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- 2) That he was not provided the information within the stipulated time under section 7 of the RTI Act, after which he filed the first appeal on 13.03.2018 which took no decision on the appeal.
- 3) On not providing the information, the appellant filed a second appeal with the State Information Commission, which first came up for hearing on 09.07.2018.
- 4) On the date of the hearing (09.07.2018), the appellant was present. However, the respondent preferred to be absent without intimation the commission.
- 5) That the PIO was directed to provide the information and be present personally on the next date of hearing
- 6) On the next date of hearing, which was held on 07.08.2018 the PIO was absent yet again without intimating the commission. Also, no information had been sent to the appellant, who was present at the hearing. The PIO was 'Show Cause' under section 20 of the RTI Act as to why a penalty should not be imposed for dereliction in handling this particular RTI application. The PIO was also directed to provide the information and be present personally with an explanation for the delay on an affidavit.
- 7) That the case came up for hearing again on 23.10.2018. The appellant informed that he has not received the information. Sh.Satnam Singh, Sr.Assistant representing the PIO appeared late and had not brought any information. The PIO however in spite of the orders of the Commission to be personally present did not turn up. The PIO, instead sent an Assistant Sh.Satnam Singh to attend the hearing. It may be mentioned that the PIO other than being absent did not file any reply to the Show Cause or any paper in his defense.
- 8) That on 23.10. 2018 the commission offered one last opportunity to the defiant PIO to be present on the next date of hearing, which was fixed for 28.11.2018, with his defense.

The case has come up for hearing today. The appellant is present. The appellant informed that he has not received the information. The PIO is again absent and has not filed any reply to the show cause or any paper in his defense.

Order.

Keeping the above facts of the case in mind, this is a fit case to invoke section 20 of the RTI Act and impose a penalty on the PIO. Section 20 reads as follows-

'20.Penalties. – (1) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complain or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect , incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:

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Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be give a reasonable opportunity of being heard before any penalty is imposed on him:

Provide further that the burden of proving that he acted reasonably and diligently shall be on the Central Information Officer, as the case may be.”

The onus and responsibility lies on the PIO to ensure the transmission of the information to the appellant. The PIO, Registrar of Firms and Societies, Punjab 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.15,000/- is hereby imposed upon the PIO, Registrar of Firms and Societies, Punjab which be deposited in the Govt. Treasury.

Further, the PIO Registrar of Firms and Societies, Punjab 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.

To come up for hearing **on 21.01.2018 at 11.00AM.**

Chandigarh
Dated: 28.11.2018

Sd/-
(Khushwant Singh)
State Information Commissioner