



Sh. Jagraj Singh Chahal,
S/o Sh. Daljit Singh,
R/o Patti Usang,
VPO-Kokri Kalan, Moga.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Moga-I.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Moga.

Respondents

Appeal Case No.1982/2019

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
30.01.2019	Nil	15.03.2019	Nil	20.05.2019

Present: **Appellant-** Sh. Jagraj Singh Chahal.
 Respondents- Sh. Partap Singh, BDPO, Moga-I.

ORDER

The appellant has been constrained to file a second appeal in the Commission after having failed to procure the information from the respondents. The information relates to the various development works having been undertaken under the NREGA scheme and with the grants and income accrued to the Gram Panchayat of the Village-Kokri Kalan, Tehsil&District-Moga.

Sh. Partap Singh, the BDPO, Moga-I, is present. He states that his application was duly forwarded to the Panchayat Secretary for appropriate action under Section 6(3) of the RTI Act. Besides, he has been reminded to part with the information repeatedly. According to the BDPO, Sh. Sukhvir Singh, Panchayat Secretary concerned who is custodian of the record, is defiant and has refused to provide the information. The Commission has also been informed that the Panchayat Secretary is a habitual offender. He has already been taken to task by the Commission by way of imposition

Contd...pg...2



-2-

Appeal Case No.1982/2019

of penalty, which is under the process of recovery.

The Commission takes a serious note of the aforesaid facts and issues a show cause notice to Sh. Sukhbir Singh, the Panchayat Secretary, who is the deemed PIO in the case. He is desired 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.

The next date of hearing shall be conveyed in due course.

28.11.2019

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

PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
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Sh. Lucas Bhatti,
C/o Adv. Neha Dewan,
House No. 2140, Sector-21C,
Second Floor, Chandigarh.

Appellant

Versus

Public Information Officer,
O/o Municipal Council,
Zirakpur, Mohali.

First Appellate Authority,
O/o Regional Deputy Director,
Local Government, Patiala.

Respondents

Appeal Case No.1944/2019

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
30.07.2018	Nil	19.09.2018	19.12.2018	29.05.2019

Present:

Appellant- Adv. Neha Dewan, Counsel.

Respondents- Sh. Lakhvir Singh, Building Inspector.

ORDER

The following order passed on 17.10.2019:-

“The appellant had filed requisitions for information with regard to the various sanctions issued by the respondents to the one M/s Opera Infratech and Developers, Village Kishanpura and M/s Chandigarh Colonizers Pvt. Ltd., Village Kishanpura, some allied information relating to the regularization of the aforesaid projects has also been sought. The chronology of events of filing the application and appeals figure below in the head note. It shall be seen that the original application was filed on 30.07.2018. The First Appellate Authority had directed the PIO to provide the appellant the requisite information forth with.

The second appeal has come up for hearing today before the Commission.

Sh. Lakhvir Singh, Building Inspector, with the respondents and appearing on behalf of the PIO, has submitted a copy of a memo sent to the appellant. The appellant denies its receipt. It is observed that it has been sent across only a couple of days back. Probably, it should be in transit. They have brought along a copy of it, which has been handed over on spot to the

Contd....pg...2



-2-

Appeal Case No.1944/2019

appellant. The appellant may like to go through it and revert to the Commission about their observations, if any. There is delay of one year; the PIO has rendered himself liable for penalty.

The PIO, Sh. Girish Verma, Executive Officer, who had been the incumbent during the period of the fault, is hereby 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.

17.10.2019

Shri Lakhvir Singh, Building Inspector is present. He submits that the information has been provided. The Commission is not inclined to accept his plea. The basic document the layout plan and other documents which are vital to the sanction of the project

Cont...pg...3



-3-

Appeal Case No.1944/2019

have been stated to be not available on file. .Such stance cannot be accepted. The Commission presumes that the documents are being withheld with mala fide intention as serious irregularities allegedly have been committed in the case. Final opportunity is afforded to the PIO who is the current incumbent, to provide the information sought for, failing which, penal consequences shall follow.”

The case has again come up today. Sh. Lakhvir Singh, Building Inspector, representing the respondents, has brought along the record, which has been perused by the counsel of the appellant. Though, broadly satisfied, the counsel of the appellant says that an essential document relating to the change of land use and non-encumbrance certificate has not been found on the record. The respondents assure that they will again look into it and arrange to provide the complete information by the next date of hearing, which shall be communicated in due course.

28.11.2019

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



Sh. Mohinder Singh,
S/o Sh. Channan Singh
H.No.69, Ward No.5, Nanakpura,
Near IIT, Ropar, Distt. Ropar.

Complainant

Versus

Public Information Officer,
O/o Block Development & Panchayat Officer,
Roopnagar.

Respondent

Complaint Case No.602/2019

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
24.07.2018	Nil	07.01.2019	Nil	03.07.2019

Present: Complainant- Sh. Mohinder Singh.
Respondent- None.

ORDER

The following order was passed on 17.10.2019:

10.09.2019

“The complainant is seeking the status of the action having been taken by the respondent on the directions given by the Sub Divisional Magistrate to them vide his letter no. 1022 dated 19.11.2017. It is understood that having enquired into the matter, the SDM has desired the respondents to construct a channel in the street to drain out the waste water of the Village-Nanakpura. The respondents are directed to apprise him about the action having been taken and the status of the aforesaid issue.

17.10.2019

Shri Surinder Singh, Panchayat Officer states that the BDPO has just assumed the office on the transfer of his predecessor. He has assured that the issue of the compliance shall be addressed early by undertaking the work in hand. The Commission hopes that the respondents shall take requisite action at the earliest to ameliorate the grievance of the complainant.”

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-2-

Complaint Case No.602/2019

The case has come up today. The status quo ante remains. The Commission believes that the respondent shall take serious view of the aforesaid observations made by this forum and take up the works as mentioned above at the earliest.

Disposed.

28.11.2019

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



Sh. Avtar Singh Sekhon
S/o Sh.Ajait Singh
R/o Village Malakpur Bet,
Tehsil & Distt., Ludhiana.

Complainant

Versus

Public Information Officer-cum-
Addl. Dy. Commissioner of Police(HQ)
Ludhiana.

Respondent

Complaint Case No.738/2019

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
16.08.2019	Nil	Nil	Nil	22.08.2019

Present:

Complainant- Sh. Avtar Singh.

Respondent- Sh. Pawandeep Singh, SI, I/c RTI Cell.

ORDER

The following order was made by the Commission on 17.10.2019:

"The complainant, in fact, has filed a complaint with the Police against someone who allegedly had presented a forged affidavit on his behalf alluding the receipt of payment of about Rs.12.00 lacs by him. The respondents say that the appellant has made a couple of complaints which are under investigation of Assistant Commissioner of Police (HQ). The respondents say that the revelation of the information at this juncture shall adversely impact the outcome of their findings. Seeking exemption under Section 8(1)(h) of the RTI Act, the complainant has been denied the information. The Commission is not inclined to accept the plea unless they come up with specific explanation of their defence. The respondents are directed to allow the complainant access to the documents which they intend to rely upon for the successful completion of the enquiry so that he can file a counter reply, if any."

The matter has come up today. The status quo ante remains. The Commission feels that its directions are defied by the respondents. It is at loss to understand

Contd....pg...2



-2-

Complaint Case No.738/2019

that the complainant, whose signatures have allegedly been forged, shall impede the investigation, when he himself is aggrieved. The Commission directs the ADCP (Headquarters), who is holding the enquiry, to show the documents to the Complainant at the earliest possible and send the compliance report before the next date of hearing positively, failing which it shall be constrained to take adverse view of his conduct and proceed to impose penalty on him for willful defiance of the orders of the Commission and withholding the information.

The next date of hearing shall be conveyed in due course.

28.11.2019

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