

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864111, Visit us @ www.infocommpunjab.com,
Email: psic21@punjabmail.gov.in



Rohit Sabharwal,
126, Model Gram,
Ludhiana – 141002.

Versus

Public Information Officer,
o/o Assistant Town Planner, Building Branch, Zone B,
Municipal Corporation, Ludhiana.

Public Information Officer,
o/o Assistant Town Planner, Zone-A,
Municipal Corporation, Ludhiana.

First Appellate Authority,
o/o Commissioner, Municipal Corporation,
Ludhiana.

Appeal Case No. 1970 of 2022 (Video Conference Proceedings)

PRESENT:

Sukhjinder Kaur, Advocate (for the Appellant) 99882-51671
(Respondent) Absent

ORDER:

(To be read in continuity with earlier orders on 22.7.2022)

1. The RTI application is dated **23.12.2021** vide which the appellant has sought information **regarding an under construction building**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **16.2.2022** and Second Appeal was filed in the Commission on **20.4.2022** under Section 19 of the Right to Information Act, 2005. The case was last heard on **22.7.2022**.

2. At the last hearing on 22.7.2022, the respondent PIO-cum-ATP, Building Branch, Zone-B was directed to submit a written reply with regard to point No.1 of the RTI application. He has failed to comply.

3. The respondent PIO-cum-ATP, Building Branch, Zone-B is hereby directed to submit a written reply to point No. 1 of the RTI application along with duly certified copies of all the related information as available in the record within 20 days of receipt of this Order. A copy of the reply and information is also to be submitted to this Commission.

4. Next hearing on 25.11.2022 at 11.30 am at Punjab State Information Commission, Red Cross Building, Madhya Marg, Sector 16, Chandigarh.

Sd/-
(ASIT JOLLY)
State Information Commissioner, Punjab.

Chandigarh
29.9.2022

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Rohit Sabharwal,
126, Model Gram,
Ludhiana – 141002.

Versus

Public Information Officer,
o/o Superintendent, Headquarters,
Municipal Corporation, Ludhiana.
Public Information Officer,
o/o Municipal Corporation, Zone A, Ludhiana.
First Appellate Authority,
o/o Commissioner, Municipal Corporation,
Ludhiana.

Appeal Case No. 1237 of 2022 (Video Conference Proceedings)

PRESENT:

Sukhjinder Kaur, Advocate (for the Appellant) 99882-51671
Baljinder, SDO from Zone D (for the Respondent) 98147-20996

ORDER:

(To be read in continuity with earlier orders on 22.7.2022)

1. The RTI application is dated **29.11.2021** vide which the appellant has sought information **regarding lying/construction of new roads / fixing of interlocking roads etc.,** as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **4.1.2022** and Second Appeal was filed in the Commission on **9.3.2022** under Section 19 of the Right to Information Act, 2005. The case was last heard on **22.7.2022**.

2. Both parties are present. As per the PIO, B&R, Zone-D, represented by Sh. Baljinder Singh, SDO, this RTI application was incorrectly marked to his office by the PIO, Headquarters, Sh. Rohit Kumar. It is notable here that the PIO-cum-Superintendent, Headquarters, was issued a Show Cause Notice vide this Commission's Order of 22.7.2022. As per Sh. Baljinder Singh, the information requested in this RTI application pertains to the office of DCFA and should have been marked to that office. Notable, the PIO-cum-Superintendent Headquarters has neither made any written submission in reply to the Show Cause Notice issued to him, nor has he deemed it fit to appear in person at today's hearing.

3. In view of the above, the PIO-cum-Superintendent, Headquarters, Sh. Rohit Kumar is hereby given a final opportunity to submit a reply to the show cause notice issued to him vide the Commission's Order on 22.7.2022 and to supply the requested information within FIVE days from the receipt of this Order. Failure to comply, could result in penalties as per the RTI Act, 2005.

4. Next hearing on 25.11.2022 at 11.30 am at Punjab State Information Commission, Red Cross Building, Madhya Marg, Sector 16, Chandigarh.

Sd/-
(ASIT JOLLY)
State Information Commissioner, Punjab.
Chandigarh
29.9.2022

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REGISTERED **SHOW CAUSE NOTICE**

Milan,
R/o Milan Niwas,
New Dana Mandi, Salem Tabri,
Ludhiana – 141 008

Versus

Public Information Officer,
o/o Superintendent Headquarters,
Municipal Corporation, Ludhiana.
Public Information Officer,
o/o ATP, Zone-A,
Municipal Corporation, Ludhiana.
First Appellate Authority,
o/o Commissioner, Municipal Corporation,
Mata Rani Chowk, Ludhiana.

Appeal Case No. 27 of 2022 (Video Conference Proceedings)

PRESENT:

Milan (Appellant) 98144-44018

Gurjit Singh, Junior Draftsman from Zone A (for the Respondent) 94176-70434

ORDER:

(To be read in continuity with earlier orders on 21.7.2022)

1. The RTI application is dated **16.7.2021** vide which the appellant has sought information **regarding Letter No.153/ATP/A/D dated 14.7.2021**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **28.9.2021** and Second Appeal was filed in the Commission on **17.12.2021** under Section 19 of the Right to Information Act, 2005. The case was last heard on **21.7.2022**.

2. Both parties are present. The appellant has pointed out in a written submission to this Commission that two separate replies received from the respondent PIO vide Letter No. 821 Dated 3.12.2021 and 125 Dated 18.7.2021 are mutually contradictory. The first letter states that the information pertaining to points 2, 3, 4, and 5 of the RTI application is appended to said reply. However, no information was received therewith. The reply received vide Letter No. 125 Dated 18.7.2022 states that the information requested at point no. 2, 3, 4, and 5 is not available in the record. The above appears to suggest that the respondent PIO is attempting to withhold / deny the requested information in violation of the RTI Act, 2005. In view of the above Commission deems it fit to serve the respondent PIO, Zone A, MC, Ludhiana, with this Show Cause Notice.

3. The respondent **PIO-cum-ATP, Sh. Sunil Kumar, Zone A, MC, Ludhiana**, is herewith ordered to **SHOW CAUSE** as to why a penalty should not be imposed upon him under Section 20 (1) of RTI Act, 2005, for causing willful delay/denial of the information requested by the appellant as far back as on **16.7.2021**.

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Appeal Case No. 27 of 2022 (Video Conference Proceedings)

“In addition to the written reply, the respondent PIO is also given an opportunity under Section 20 (1) provision there to, 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*.” Copies of this order be sent to the parties through registered post.

4. It is also notable that both replies received from the PIO-cum-ATP, Zone A, contend that the point 6 and 8 of the RTI application are related to the office of MTP, MC, Ludhiana. The Commission notes that this RTI application was submitted to the PIO-cum-Superintendent, Headquarters, MC, Ludhiana and it appears that said PIO has failed to transfer the portion of the application pertains to point no. 6, 7 and 8 to the office of MTP, MC, Ludhiana. In view of this, the Commission deems it fit to issue a Show Cause Notice to the PIO-cum-Superintendent Headquarters, MC, Ludhiana.

5. The respondent **PIO-cum-Superintendent Headquarters, MC, Ludhiana**, is herewith ordered to **SHOW CAUSE** as to why a penalty should not be imposed upon him under Section 20 (1) of RTI Act, 2005, for causing willful delay/denial of the information requested by the appellant as far back as on **16.7.2021**.

“In addition to the written reply, the respondent PIO is also given an opportunity under Section 20 (1) provision there to, 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*.” Copies of this order be sent to the parties through registered post.

6. Further, the PIO-cum-ATP, Building Branch, Zone-A, Sh. Sunil Kumar is hereby directed to retrieve the information at point no. 1, 2, 3, 4 and 5 and supply attested copies of the same to the appellant within 20 days of receipt of this Order.

7. The PIO-cum-Superintendent, Headquarters, is similarly directed to retrieve the information pertaining to point no. 6, 7 and 8 of the RTI application from the office of MTP, MC, Ludhiana and supply duly attested copies to the appellant within 20 days of receipt of this Order. Copies of all replies and information are also to be submitted to this Commission.

8. **Next hearing on 23.11.2022 at 11.30 am via Video Conference Facility at DC Office, Ludhiana.**

Sd/-
(ASIT JOLLY)
State Information Commissioner, Punjab.

Chandigarh
29.9.2022

Cc: Commissioner, MC, Ludhiana, for information and further necessary action.

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Vivek Bakshi,
S/o Sh. Kewal Krishan Bakshi,
102, Sugandh Vihar, Phullanwal,
Ludhiana.

Versus

Public Information officer,
o/o Municipal Corporation, Zone-D,
Ludhiana.
First Appellate Authority,
o/o Commissioner, Municipal Corporation,
Ludhiana.

Appeal Case No. 2128 of 2021 (Video Conference Proceedings)

PRESENT:

(Appellant) Absent

Harjeet Singh, Draftsman from Zone D (for the Respondent) 98141-66090

ORDER:

*(To be read in continuity with earlier orders on **24.11.2021, 10.3.2022, 29.6.2022, and 26.7.2022**)*

1. The RTI application is dated **4.9.2020** vide which the appellant has sought information **regarding Jatinder**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **28.10.2020** and Second Appeal was filed in the Commission on **30.4.2021** under Section 19 of the Right to Information Act, 2005. The case was last heard on **29.6.2022**.

2. At the last hearing on 26.7.2022, the appellant was requested to submit typewritten copies of the two RTI applications appended to this Appeal Case. The appellant has complied and said RTI applications marked as RTI-1 and RTI-2, have been received vide Diary No. 16900 and 16901 Dated 29.7.2022. Copies of said applications be conveyed to the representative of PIO-cum-ATP, Zone-D, Sh. Harjeet Singh via WhatsApp. Sh. Harjeet Singh, Draftsman, is thereafter to submit a written, pointwise reply to both the RTI applications along with requested information as available in his record. For information, where the respondent PIO seeks exemption, he must cite specific provisions of RTI Act, 2005. The above must be done within 30 days of receipt of this Order. Copies of both the reply and information supplied are to be submitted to this Commission.

3. **Next hearing on 23.11.2022 at 11.30 am via Video Conference Facility at DC Office, Ludhiana.**

Sd/-
(ASIT JOLLY)
State Information Commissioner, Punjab.

Chandigarh
29.9.2022