

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



Sh. Tejinder Singh 9041004313
Chamber N. 602, Civil Court ,Tehsil Complex,
Back side Sanj Kender ,
Phillour Distt. Ludhiana 144410

Appellant

Vs

Public Information Officer,
o/o The Commissioner,
Municipal Corporation, Amritsar..

First Appellate Authority,
o/o The Commissioner,
Municipal Corporation, Amritsar.

Respondents

Appeal Case No. 3036 of 2021

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- None on behalf of the parties.

ORDER

This order may be read with reference to the previous order dated 01.12.2021. The case was last heard by the Bench of Sh. Hem Inder Singh, State Information Commissioner and on the request of the appellant the case was transferred to this bench. Accordingly, the notice of hearing was issued to the parties for today i.e. 3.2.2022.

2. None is present on behalf of the parties, therefore, the case is adjourned.

3. To come up on 08.03.2022 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana/Amritsar.

sd

(Suresh Arora)

Dated:3.2.2022

Chief Information Commissioner,
Punjab.

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Chamber N. 602, Civil Court ,Tehsil Complex,
Back side Sanj Kender ,Phillour Distt. Ludhiana 144410

Appellant

Vs

Public Information Officer,
o/o Nagar Council, Dasuya, Distt. Hoshiarpur.

First Appellate Authority,
o/o Deputy Director,
Local Government, Jalandhar

Respondents

Appeal Case No. 3079 of 2021
(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- None on behalf of the parties.

ORDER

This order may be read with reference to the previous order dated 01.12.2021. The case was last heard by the Bench of Sh. Hem Inder Singh, State Information Commissioner and on the request of the appellant the case was transferred to this bench. Accordingly, the notice of hearing was issued to the parties for today i.e. 3.2.2022.

2. None is present on behalf of the parties, therefore, the case is adjourned.

3. To come up on 06.04.2022 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana/Hoshiarpur.

sd

Dated:3.2.2022

(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Shri Kuldeep Singh M 9888123403

Sohiya Road, Rajgarh Colony, Ward No. 7 Sangrur

Appellant

Vs

Public Information Officer,

o/o Principal, Government Sr. Secondary (Girl) Bhawanigarh,

Distt. Sangrur.

First Appellate Authority,

o/o Principal, Government Sr. Secondary (Girl) Bhawanigarh,

Distt. Sangrur

Respondents

Appeal Case No. 13 of 2022

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- None on behalf of the appellant.

Smt. Neerja Bansal Sood, Principal and Sh. Varun Bansal, Advocate on behalf of the respondents.

ORDER

The RTI application is dated 20.8.2020 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 1.11.2021 and second appeal was filed in the Commission on 18.12.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today i.e. 3.2.2022

2. The appellant has sent an e-mail vide which, he has showed his inability to attend the hearings. The respondent-Public Information Officer has also sent the submissions in this case vide which she has informed that the RTI application of the appellant and the submissions made by him in his second appeal are contrary. Advocate on behalf of the respondent also states that the appellant has filed a complaint regarding the sought information in which the matter has already been enquired and the said complaint has already been filed. He also states that due to

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Appeal Case No. 13 of 2022

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false affidavit filed by Sh. Kuldeep Singh, an action under the law has already been recommended to the District Secondary Officer (Secondary Education), Sangrur for further necessary action. He has also sent a copy of the same written by the Government of Punjab, Department of Education in this regard.

3. Accordingly, a copy of the submissions along with the annexures received from the respondent is being sent to the appellant to file the rejoinder, if any, in this case. The respondent- Public Information Officer is also directed to file his response in writing as per the submissions made before the next date of hearing, if any, in this case to take the matter to its logical end.. Accordingly, the case is adjourned.

4. To come up on 23.03.2022 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Sangrur.

Dated: 03.02.2022

sd
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Tejinder Singh 9041004313
Chamber N. 602, Civil Court ,Tehsil Complex,
Back side Sanj Kender ,Phillour Distt. Ludhiana 144410

Appellant

Vs

Public Information Officer,
o/o Municipal Town Planner,
Municipal Corporation, Amritsar.

First Appellate Authority,
o/o Additional Commissioner, Municipal Corporation, Amritsar.

Respondents

Appeal Case No. 3037 of 2021

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- None on behalf of the parties.

ORDER

This order may be read with reference to the previous order dated 01.12.2021. The case was last heard by the Bench of Sh. Hem Inder Singh, State Information Commissioner and on the request of the appellant the case was transferred to this bench. Accordingly, the notice of hearing was issued to the parties for today i.e. 3.2.2022.

2. None is present on behalf of the parties, therefore, the case is adjourned.

3. To come up on 08.03.2022 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana/Amritsar.

sd

Dated:3.2.2022

(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Tejinder Singh 9041004313
Chamber N. 602, Civil Court ,Tehsil Complex,
Back side Sanj Kender ,Phillour Distt. Ludhiana 144410

Appellant

Vs

Public Information Officer,
o/o Commissioner,
Municipal Corporation, Amritsar..

First Appellate Authority,
o/o Additional Commissioner,
Municipal Corporation, Amritsar.

Respondent

Appeal Case No. 3038 of 2020

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- None on behalf of the parties.

ORDER

This order may be read with reference to the previous order dated 01.12.2021. The case was last heard by the Bench of Sh. Hem Inder Singh, State Information Commissioner and on the request of the appellant the case was transferred to this bench. Accordingly, the notice of hearing was issued to the parties for today i.e. 3.2.2022.

2. None is present on behalf of the parties, therefore, the case is adjourned.

3. To come up on 06.04.2022 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana/Amritsar.

sd

Dated:3.2.2022

(Suresh Arora)

Chief Information Commissioner,
Punjab.

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Shri Tarsem Singh M 9855635850

#35 Lane 2 Punia Colony Sangrur

Appellant

Vs

Public Information Officer,
o/o Principal, Govt. Sr. Secondary School,
Bhaini Mehraj Distt. Barnala.

First Appellate Authority,
o/o District Education Officer(SE) Barnala

Respondents

Appeal Case No. 14 of 2022

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- None on behalf of the appellant.

Sh. Surjit Singh, Principal on behalf of the respondent.

ORDER

The RTI application is dated 20.9.2020 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 27.10.2021 and second appeal was filed in the Commission on 17.12.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today i.e. 3.2.2022

2. The Respondent-Public Information Officer states that he has already sent the information to the appellant in this case. The appellant is absent but he has sent a request that he is unable to attend the hearing and requested for the adjournment of the case. He has also informed that he has received the information but there are deficiencies in the information so supplied by the respondent.

3. Since the appellant has already received the information, accordingly, he is advised to point out specific deficiencies in the information so supplied by the Respondent-Public Information Officer with a copy to the Commission. Also, the Respondent-Public Information Officer is directed to remove the same on its receipt

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Appeal Case No. 14 of 2022

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from the appellant before the next date of hearing under intimation to the Commission.

4. To come up on 06.04.2022 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Sangrur/Barnala/Cisco webex.

sd

(Suresh Arora)

Chief Information Commissioner,
Punjab.

Dated: 3.2.2022

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Shri Sushil Kumar M 9814500575
#1410 ,Phase 1 Urban Estate,Dugri Ludhiana

Appellant

Vs

Public Information Officer,
o/o Punjab State Information Commission,
Sector 16 Chandigarh.

First Appellate Authority,
o/o Punjab State Information Commission,
Sector 16 Chandigarh

Respondents

Appeal Case No.12 of 2022

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- None on behalf of the appellant.

Respondent-Sh. Sudhir Kumar, S.O. on behalf of the respondents.

ORDER

The RTI application is dated 16.12.2020 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 25.9.2021 and second appeal was filed in the Commission on 26.10.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today i.e. 3.2.2022

2. The appellant is absent but he has sent the written submissions in this case, which are taken on record. Also, the respondent-Public Information Officer filed the written submissions in this case, which are taken on record. As the appellant is absent, therefore, the submissions made by the respondent-Public Information Officer is being sent to him along with this order to file the rejoinder, if any, before the next date of hearing.

3. To come up on 06.04.2022 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana.

sd

Dated:3.2.2022

(Suresh Arora)
Chief Information Commissioner,Punjab.

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Shri Jagmohan Singh Makkar M 9888168223

334, G.T. Road Saleem Tabri Ludhiana

Appellant

Vs

Public Information Officer,
o/o Tehsildar (East) Ludhiana.

First Appellate Authority,
o/o Sub Divisional Magistrare ,Ludhiana (East) Ludhiana

Respondents

Appeal Case No.18 of 2022

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- Sh. Jagmohan Singh Makkar, Appellant.
None on behalf of the respondent.

ORDER

The RTI application is dated 13.9.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 18.10.2021 and second appeal was filed in the Commission on 17.12.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today i.e. 3.2.2022

2. The respondent-Public Information Officer-cum-Tehsildar, East Ludhiana has sent a written request to adjourn the case as he has been appointed as Assistant Returning Officer-1, Punjab Vidhan Sabha constituency . Accordingly, the case is adjourned.

3. To come up on 06.04.2022 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana.

sd

Dated:3.2.2022

(Suresh Arora)

Chief Information Commissioner,
Punjab.

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Smt Dilbag Singh 9814810557
363, Sector 71,
Mohali

....Appellant

Vs

Public Information Officer
o/o Punjab Small Industries and Export Corp.Ltd.,
18, Himalayan Marg, Udyog Bhawan,
Sector 17-A, Chandigarh.

First Appellate Authority
o/o the Managing Director.
o/o Punjab Small Industries and Export Corp.Ltd.,
18, Himalayan Marg, Udyog Bhawan,
Sector 17-A, Chandigarh.

....Respondents

Appeal Case No. 2924 of 2021

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- Sh. Dilbag Singh, appellant and Sh. P.S. Pandhi, Advocate 7986497876
Sh. Jaswant Singh, Sr. Asstt 9872615390 and Sh. Akshey Rawal,
Advocate 9888083261 on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 18.11.2021 passed by Sh. Hem Inder Singh, State Information Commissioner in which the case was transferred on the request of the appellant. Accordingly, the notice of hearing was issued to the parties for today i.e. 3.2.2022.

2. Advocate on behalf of the appellant states that the sought information is in the public interest and the directions may be issued to the respondent-Public Information Officer to supply the same. However, the representative of the respondents states that the information pertaining to 1 plot has been supplied to the appellant as no response was received from the 3rd party. As far as the remaining information pertaining to 14 plots, the representative of the respondents states that the 3rd party was consulted but they have sent the written submissions that their information should not be supplied to the appellant.

3. The Punjab RTI Rules, 2017 provides as under :-

11. Procedure for deciding appeals.- The Commission, while deciding an appeal may:-

- (i) receive oral or written evidence on oath or on an affidavit from concerned or interested person;
- (ii) peruse or inspect documents, public records or copies thereof;
- (iii) inquire through authorized officer further details or facts;
- (iv) hear State Public Information Officer, State Assistant Public Information Officer or the First Appellate Authority, or such person against whose action the appeal is preferred, as the case may be;
- (v) hear third party; and
- (vi) receive evidence on affidavits from the State Public Information Officer, State Assistant Public Information Officer, First Appellate Authority, such other person against whom the appeal lies or the third party, as the case may be.

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Appeal Case No. 2924 of 2021

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3. It is pertinent to mention the decision of the Hon'ble Supreme Court of India in Civil Appeal No. 10044 of 2010 – Central Public Information Officer, Hon'ble Supreme Court of India Vs Subhash Chandra Agarwal in which the issue regarding the exemptions under Section 8, procedure under Section 11 to be adopted by the Central Public Information Officer/State Public Information Officer has been elaborated in detail which are in line with the cases in question. The relevant portion of the judgement is reproduced below:-

"The definition of a "third party" includes a public authority. 'Third party information' is information which "relates to or has been supplied by any other person (including a public authority) other than the information applicant and has been treated as confidential by such third party. Where disclosure of 'third party information' is sought, and such information has been prima facie treated as confidential by the third party in question, the procedure under Section 11 of the RTI Act is mandatory. The Information Officer shall, within five days of receiving the request for 'third party information' notify the relevant third party to whom the information relates or which had supplied it. The notice shall invite the third party to submit reasons (in writing or orally) as to whether or not the information sought should be disclosed. Section 11(2) provides the third party with a right to make a representation against the proposed disclosure within ten days of receiving the notice. The provision expressly mandates the Information Officer to take into consideration the objections of the third party when making a decision with respect to disclosure or non-disclosure of the information. It encapsulates the fundamental idea that a party whose personal information is sought to be disclosed is afforded the opportunity to contest disclosure. The proviso to sub section (1) of Section 11 permits disclosure where the "public interest" in disclosure "outweighs" any possible harms in disclosure highlighted by the third party.

Sections 8 and 11 must be read together. Other than in a case where the information applicant seeks the disclosure of information which relates to the information applicant himself, information sought that falls under the category of "personal information" within the meaning of clause (j) of Section 8(1) is also "third party information" within the ambit of Section 11, Therefore, in every case Where the information requested is "personal information" within the operation of clause (j) of sub section 1 of Section 8, the procedure of notice and objections under Section 11 must be complied with. The two provisions create a substantive system of checks and balances which seek to balance the right of the information applicant to receive information with the

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Appeal Case No. 2924 of 2021

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right of the third party to prevent the disclosure of personal information by permitting the latter to contest the proposed disclosure."

4. Keeping in view the Punjab RTI Rules, 2017 and judicial pronouncements referred to above, the directions were given to the representative of the respondents to submit a list of relevant 3rd parties involved in this case so that the same can be impleaded as necessary party in this case in the interest of natural justice. Also the representative of the respondents assured that the list of all the parties will be submitted but till the writing of this order incomplete list has been submitted by the respondents, which is of no use.

5. Accordingly a copy of this order is being sent to the Managing Director, PSIEC to look into this matter and ensure that a list of complete 3rd parties involved in this case be sent to the Commission before the next date of hearing.

6. To come up on 8.3.2022 at 12.30 PM at Chandigarh.

sd

(Suresh Arora)

Chief Information Commissioner,
Punjab

Dated: 3.2.2022

CC

Sh. Kumar Amit, IAS
Managing Director,
o/o Punjab Small Industries and Export Corp.Ltd.,
18, Himalayan Marg, Udyog Bhawan,
Sector 17-A, Chandigarh.

REGD