**PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGRH**

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**Emaiil:psic22@punjabmail.gov.in**

Sh. Ashok Kumar,

H.No.214, Pine Home, Dhakoli (Zirakpur)

Distt. S.A.S. Nagar Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Municipal Council, Kharar

Distt. S.A.S.Nagar.

First Appellate Authority

O/o Regional Deputy Director,

Local Government Bodies,

Mini Sectt. Patiala Respondents

**APPEAL CASE NO.281/2018**

Date of RTI application : 25.09.2017

Date of First Appeal : 20.11.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 08.01.2018

**Present: Sh. Rajinder K. Singla on behalf of the Appellant.**

**Sh. Jaswinder Singh, Draftsman, MC office, Kharar – for Respondents.**

**ORDER**

The following order was passed by this forum on 12.04.2018:

*“The appellant is aggrieved on account of the disregard shown to his original application filed on 25.09.2017 seeking information about a housing project namely; SBP Homes Extension – 3, Chajju Majra, Sector 126, Kharar (Mohali).*

*Sh. Jaswinder Singh appearing on behalf of the respondents says that a suitable reply was sent to the appellant vide their letter dated 27.11.2017. The appellant denies having received the information. A copy has been handed over to him which is un-certified. The respondents are directed to provide him duly certified copy again under the stamp of the Public Authority. They shall also provide him a copy of the postal receipt by way of which the information was sent.”*

The case has come up today. There is a controversy about the receipt and dispatch of the memos issued and received. The respondents have not been able to come up with proper Contd…page….2

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**APPEAL CASE NO.281/2018**

documentation to prove their point. They are cautioned to be watchful in future.

The basic issue is that a builder namely; SBP Homes, Kharar-Landran Highway, Sec. 116, Mohali is floating advertisements in the media soliciting applications for sale of real estate properties. A copy of such advertisement has been shown to the Commission which has been retained on record. As admitted by the respondents no license under the relevant Act has been issued to such a builder. The Commission understands that it is a criminal offence. The respondents are directed to take cognizance of it and take appropriate action so as to save the people from being duped by such unscrupulous operators. Hopefully, the appellant shall also be duly informed after taking appropriate action on the matter.

**Disposed.**

**Sd/-**

**31.05.2018 (Yashvir Mahajan)**

**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Bhupinder Singh

S/o Sh. Gurjail Singh,

VPO: Bahmna, Tehsil Samana,

District Patiala. Appellant

Versus

Public Information Officer,

O/o Deputy Commissioner,

Patiala, Mini Sectt. Patiala

First Appellate Authority

O/o Commissioner, Patiala Division,

Patiala. Mini Sectt. Patiala. Respondents

**APPEAL CASE NOs 325 and 326 of 2018**

Date of RTI application : 06.11.2017/16.10.2017

Date of First Appeal : 20.12.2017/20.11.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 10.01.2018

**Present: Sh. Bhupinder Singh - Appellant.**

**Sh. Vinod Kumar, Patwari, DC office, Patiala – for Respondents.**

**ORDER**

Since the appellant and the respondents, and the information sought is almost identical the single order shall dispose both the appeals.

The following order was made by this forum on 12.04.2018:

*“The appellant had asked from the respondents the conditions under which some provincial Government land in Village Fatehpur the details of which has been mentioned in his application was allotted in favour of Sh. Gobind Ram during the year 1981. He says that the land was alienated through the Mutation Nos.943, 944 and 945.*

*The Commission understands that the land should have been allotted to the beneficiaries under a policy of the government. He is only interested to know the terms and conditions of the allotment of this land. The respondents are advised to provide him a certified copy of the allotment letter before the next date of hearing positively.”*

*Contd….page…2*

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**APPEAL CASE NOs 325 and 326 of 2018**

The case has come up today. Sh. Vinod Kumar, Patwari, appearing on behalf of the respondents has brought along a reply which has been taken on record. The respondents have gone completely off tangent. Their reply is wayward and has no bearing on the original application as well as the order passed by the Commission. They were advised to provide him a copy of the allotment letter vide which the provincial land as described in the application was allotted and mutated in favour of beneficiaries.

Sh. Ram Kishan, PIO – cum - Tehsildar, Samana, is hereby directed to come present in person on the next date of hearing and explain his conduct in ducking the issue and willfully suppressing the information.

To come up on **05.07.2018 at 11.30 AM**

**Sd/-**

**31.05.2018 (Yashvir Mahajan) State Information Commissioner**

**CC: Sh. Ram Kishan, PIO – cum – Tehsildar, Samana, Distt. Patiala, for n/a.**

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Sh. Nirmal Singh

S/o Sh. Dhani Ram,

R/o Ward No.5, Sabzi Mandi Road,

Tara Wati Choukhani, Kurali Tehsil Kharar,

Distt. S.A.S.Nagar. Complainant

Versus

Public Information Officer,

O/o Executive Officer,

Municipal Council, Kurali, Tehsil Kharar,

Distt. S.A.S. Nagar Respondent

**COMPLAINT CASE NO.63/2018**

Date of RTI application : 06.10.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 13.12.2017

**Present: Sh. Nirmal Singh - Complainant.**

1. **Mrs. Bhavna Setia, MC office, Kurali**
2. **Sh. Sukhdev Singh, Jr. Assistant, MC office, Kurali - for Respondent.**

**ORDER**

The following order was made by this forum on 12.04.2018:

*“The appellant had sought an information about the properties of the Municipal Council of Kurali comprised in Teh Bazari and other related information.*

*Sh. Sukhdev Singh appearing on behalf of the respondent says that the information has been provided. However, the delay has not been explained. The respondent says that the information is deficient as the layout plans of the property sought by him have not been provided. While making good the deficient information the respondent is directed to explain as to why penal action should not be taken against them for the violation of Section 7(1) of RTI Act.”*

The case has come up today. The respondents maintain that no lay-out plan as mentioned above has ever been drawn and is available with them. Resultantly, they are not in

Contd..page….2

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**COMPLAINT CASE NO.63/2018**

position to supply the aforesaid non-existent document. The Commission agrees with the

submissions made by the respondents and feels that sufficient information has been given. No further action is called for.

**Disposed.**

**Sd/- (Yashvir Mahajan)**

**31.05.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Ramesh Chander

S/o Sh. Ram Samuj

R/o 1338, Badshahi Bagh Colony,

Ambala City. Appellant

Versus

Public Information Officer,

O/o Deputy Supdt. of Police (HQ),

O/0 Senior Supdt. of Police,

District Administrative Complex, Sector-76

S.A.S. Nagar.

First Appellate Authority

O/o Senior Supdt. of Police,

District Administrative Complex, Sector-76

S.A.S. Nagar. Respondents

**APPEAL CASE NO.300/2018**

Date of RTI application : 23.06.2017

Date of First Appeal : 26.10.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 11.12.2017

**Present: Sh. Ramesh Chander - Appellant.**

**None on behalf of the Respondents.**

**ORDER**

The following order was made by this forum on 12.04.2018:

*“The appellant had sought a copy of the statements recorded in a matter of investigation into a complaint registered under GD No.035 dated 27.05.2017.*

*HC Kuldip Singh appearing on behalf of the respondents assures the Commission to provide it expeditiously. They are directed to send the information to the information seeker within a week positively under intimation to the Commission.”*

The case has come up today. Despite the express directions of this forum the Contd..page…2

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**APPEAL CASE NO.300/2018**

respondents have not provided him the information asked for by him. The Commission takes a strong

exception to the indifference shown by the Respondents to the directions of the Commission and calls for the explanation of the concerned official as to why the penal proceedings be not initiated.

To come up on **10.07.2018 at 11.30 AM.**

**Sd/-**

**31.05.2018 (Yashvir Mahajan) State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Gagandeep Singh Advocate,

H.No.26, HM, Phase IV,

S.A.S.Nagar. Complainant

Versus

Public Information Officer,

O/o Superintendent of Police,

District Administrative Complex, Sector-76,

S.A.S. Nagar. Respondents

**COMPLAINT CASE NO.155 /2018**

Date of RTI application : 06.12.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 29.01.2018

**Present: None.**

**ORDER**

Vide their communication dated 16.05.2018 the respondents have reiterated their stance of not divulging the information on account of the matter being under investigation. Another opportunity is afforded to the appellant to rebut their contention if he deems it appropriate.

To come up on **10.07.2018 at 11.30 AM.**

**Sd/-**

**31.05.2018 ( Yashvir Mahajan )**

**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Jaswant Singh,

S/o Sh. Jarnail Singh,

Near Government High School,

Village Baran, Sirhind Road,

Patiala Appellant

Versus

Public Information Officer,

O/o Secretary, SGPC,

Amritsar

First Appellate Authority,

O/o Secretary, SGPC,

Amritsar Respondents

**APPEAL CASE NO.932/2018**

Date of RTI application : 22.05.2017

Date of First Appeal : 17.01.2018

Date of Order of FAA: Nil

Date of 2nd Appeal/complaint 12.03.18

**Present: Adv. Jitender Malik, Counsel for the Appellant.**

**Sh. Simarjit Singh, PIO, SGPC - for Respondents.**

**ORDER**

The Commission has made the following observations on 03.05.2018:

*“Sh. Simarjit Singh, PIO, SGPC has sought an adjournment on a ground that he is away to Gangtok to attend to a hearing in the Hon’ble High Court of Sikkim.*

*Adv. Jitender Malik, Counsel for the Appellant is present. It has been submitted that the information sought concerns the duration of the incumbency of his client as Singh Sahib in the Gurudwara Dukh Niwarin Sahib, Patiala and the number of vehicles which were donated to the Gurudwara Sahib during the currency of his tenure. The respondents are directed to part with the information before the next date of hearing positively.”*

The case has come up today. Sh. Simarjit Singh, PIO, appearing on behalf of the respondents has replied that no vehicle whatsoever has ever been allotted in the name of the appellant. The information, according to them, as such is NIL. It has further been stated that the Contd…page….2

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**APPEAL CASE NO.932/2018**

appellant never occupied the office of the Singh Sahib as claimed by him in his original application. A copy of the observations made on the noting-sheet of the file of the respondents relating to the information sought has also been made available on spot to the appellant. No further action is called for.

The appeal is **disposed.**

**Sd/-**

**31.05.2018** **(Yashvir Mahajan)**

**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Nishant Rishi,

Chamber No.360,

Lawyer’s Chambers, Yadvindra Complex,

District Courts, Patiala Complainant

Versus

Public Information Officer,

O/o Sub Registrar,

Mini Secretariat, Patiala Respondent

**COMPLAINT CASE NO.411/2018**

Date of RTI application: 05.02.2018

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint: 04.04.2018

**Present: None.**

**ORDER**

None is present on behalf of the Parties.

On the request of the complainant the matter is adjourned to **10.07.2018 at 11.30 AM.**

**Sd/-**

**31.05.2018 ( Yashvir Mahajan )**

**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Ashok Kumar,

House no.214, Pine Homes,

Dhakoli, Zirakpur,

Distt. S.A.S Nagar Appellant

Versus

Public Information Officer,

O/o Commissioner,

Municipal Corporation,

Municipal Bhawan,

Sector-68, S.A.S Nagar,

First Appellate Authority,

O/o Commissioner,

Municipal Corporation,

Municipal Bhawan, Sector-68,

S.A.S Nagar Respondents

**APPEAL CASE NO.1163/2018**

Date of RTI application: 12.01.2018

Date of First Appeal : 10.02.2018

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint: 03.04.2018

**Present: Sh. Ashok Kumar - Appellant.**

1. **Sh. Sarbjeet Singh, PIO – cum – Assistant Commissioner, MC, Mohali,**
2. **Smt. Amrita Singh, Building Inspector, MC Office, Mohali - for Respondents.**

**ORDER**

The respondent says that the information has been provided to the appellant. He is satisfied with the information given but rues the delay. The respondents are cautioned to be watchful in future in timely giving the information.

**Disposed.**

**Sd/-**

**31.05.2018 ( Yashvir Mahajan )**

**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Ramandeep Singh Ahluwalia,

Ward No.- 18, Street No. 2, Kartar Nagar,

Almoh Road, Near Mann Market,

Khanna. Appellant

Versus

Public Information Officer,

O/o Commissioner,

Municipal Corporation,

Moti Bagh, Patiala.

First Appellate Authority,

O/o Commissioner,

Municipal Corporation,

Moti Bagh, Patiala Respondents

**APPEAL CASE NO.1165/2018**

Date of RTI application: 25.10.2017

Date of First Appeal : 24.12.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint: 24.03.2018

**Present: None.**

**ORDER**

None is present on behalf of the Parties.

The matter is adjourned to be heard on **10.07.2018 at 11.30 AM.**

**Sd/-**

**31.05.2018 ( Yashvir Mahajan )**

**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Virpal Singh,

S/o Gurjail Singh,

Village Bahmna,

Teh. Samana, Distt. Patiala Complainant

Versus

Public Information Officer,

O/o Deputy Commissioner,

District Administrative Complex,

Patiala. Respondent

**COMPLAINT CASE NO.400/2018**

Date of RTI application: 17.06.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint: 28.03.2018

**Present: Sh. Virpal Singh - Complainant.**

**Sh. Chamandeep Singh, Tax Collector, BDPO Office, Samana - for Respondent.**

**ORDER**

The respondent has brought along a reply along with the information asked for by him to the representation filed by the complainant. He may like to go through it and revert with observations, if any.

To come up on **10.07.2018 at 11.30 AM.**

**Sd/-**

**31.05.2018 ( Yashvir Mahajan )**

**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Partap Singh,

S/o Sh. Anant Ram,

R/o 5091, Urban Estate, Phase-II,

Patiala. Complainant

Versus

Public Information Officer,

O/o Civil Judge (Senior Division) ,

District Courts,

Patiala. Respondent

**COMPLAINT CASE NO.393/2018**

Date of RTI application: Nil

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint: 22.03.2018

**Present: Adv. Neeraj Jain, Counsel for the Complainant.**

**Sh. Prabhjot Singh, Naib Nazir, Court of CJSD, Patiala - for Respondents.**

**ORDER**

The complainant seeks an information with reference to a suit filed by him way back in 2004. Sh. Prabhjot Singh, Naib Nazir appearing on behalf of the respondent says that for want of knowledge of specific particulars they have not been able to locate the concerned file.

**Hon’ble Supreme Court of India in its Order rendered on 12.12.2011 in CIVIL APPEAL NOs.10787-10788 OF 2011 (Arising out of S.L.P(C) No.32768-32769/2010) titled -- Chief Information Commr. and Another ...Appellant(s) - Versus - State of Manipur and Another ...Respondent(s) has** held that while entertaining a complaint under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information.

Since the complainant has approached the Commission under the provisions of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

Contd..page…2

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**COMPLAINT CASE NO.393/2018**

An alternative and efficacious remedy of first appeal is available to the complainant under Section 19(1) of the RTI Act, 2005 which has not been availed in the instant case.

The matter is remanded to the First Appellate Authority who shall treat it as a first appeal and pass an appropriate order within a month from the receipt of this order after giving proper opportunity of being heard both the Parties and examining the record brought on file.

**Disposed.**

**Sd/-**

**31.05.2018 ( Yashvir Mahajan )**

**State Information Commissioner**

**CC: The First Appellate Authority, O/o Civil Judge (Senior Division), District Courts, Patiala, along with a photo copy of the RTI application, for n/a.**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Hakam Parshad,

S/o Sh. Hazari Lal,

R/o #180, Sector 20-C,

Subhash Nagar,

Mandi Gobindgarh Appellant

Versus

Publilc Information Officer,

O/o Sub Divisional Magistrate,

Kharar, S.A.S Nagar.

First Appellate Authority,

O/o Deputy Commissioner,

District Administrative Complex,

Sector-76, S.A.S Nagar Respondents

**APPEAL CASE NO.1201/2018**

Date of RTI application: 14.09.2017

Date of First Appeal : 09.02.2018

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint: 05.02.2018

**Present: Sh. Vivek Kumar on behalf of the Appellant.**

1. **Sh. Ajay Kumar, Reader/Naib Tehsildar, Kharar.**
2. **Sh. Paramjot Singh, Clerk, DC Office, Mohali - for Respondents.**

**ORDER**

The appellant is seeking the outcome of an application made by him for the demarcation of a property the part of which reportedly has been acquired by the Land Acquisition Officer for the widening of the State highway. The appellant says that he is running from pillar to post without success to lay hand to the information.

The response of the respondents is evasive. Sh. Tarsem Singh Mittal, Tehsildar, Kharar is directed to file a written reply and explain the inordinate delay having been taken in disposing of the original application, failing which the penal action shall be taken.

To come up on **05.07.2018 at 11.30 AM.**

**Sd/-**

**31.05.2018 ( Yashvir Mahajan )**

**State Information Commissioner**

**CC: Sh. Tarsem Singh Mittal, Tehsildar, Kharar, Distt. Mohali, for n/a.**