

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh
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Sh. Bhupinder Singh, S/o Sh. Gurjail
Singh, Village Bahmna Basti,
Tehsil Samana, Distt. Patiala.

...Appellant

Versus

Public Information Officer,
O/o DC, Patiala.

First Appellate Authority,
O/o Commissioner, Patiala Division,
Patiala

Respondent

Appeal Case No. 411 of 2019

PRESENT: None for the Appellant
None for the Respondent

ORDER:

This order should be read in continuation to the earlier order.

The case has already been heard on 13.03.2019, 29.07.2019, 04.11.2019, 15.01.2020, 28.05.2020, 20.07.2020, 24.09.2020 & 04.11.2020, 01.12.2020, 02.02.2021 & 18.05.2021.

On the date of the hearing on 20.07.2020 and 24.09.2020, the PIO-PWD (B&R) was absent nor had complied with the order of the Commission to send the information to the appellant. The PIO-PWD(B&R), Patiala was issued a **show-cause notice on 24.09.2020 under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit. The PIO** was again directed to provide the information within 10 days of the receipt of the order.

On the date of hearing on 04.11.2020 and 01.12.2020, the PIO-PWD(B&R) was again absent nor had complied with the order of the Commission to file a reply to the show-cause notice and to provide the information. A bailable warrant Under Section 18(3) of the RTI Act of the PIO-PWD(B&R), Patiala was issued through Senior Superintendent of Police, Patiala for his presence before the Commission on **02.02.2021. The PIO** was also directed to provide information to the appellant within 10 days of the receipt of this order.

On the date of hearing on **02.02.2021**, the appellant claimed that the PIO has not provided the information. Sh. Naveen Mittal, Xen-cum-PIO PWD(B&R) was present and informed that the land for rest house was provided by the Administration in the year 2005-06, however, no formal document is available in their record and the reply was sent to the appellant vide letter dated 17.07.2020. The PIO-PWD(BR) was directed to give this in writing on an affidavit that no letter/document is available in their record regarding the information relating to point-2.

The Commission further observed that the appellant to collect the information had to suffer undue inconvenience, the PIO-PWD(B&R), Patiala was directed to pay an amount of **Rs.2500/-** via demand draft drawn as compensation to the appellant and submit proof of having compensated the appellant. The PIO-PWD(B&R) was also directed to file a reply to the show-cause notice.

On the date of the last hearing on **18.05.2021**, as per the respondent, the compensation amount of Rs.2500/- had been paid to the appellant and an affidavit relating to point-2 had also been provided to the appellant. The appellant had received the same.

The appellant, however, informed that the information regarding point-1 has not been provided by the PIO-Director-Land Records.

Appeal Case No. 411 of 2019

However, the Commission observed that in the order dated 28.05.2020, it was recorded that as per letter received in the Commission on 31.01.2020 from the PIO-Director, Land Records, the information had been sent to the appellant vide letter dated 28.01.2020 with a copy to the Commission. Hence, a copy of the information received from the PIO-Land Records was sent to the appellant along with the order.

With the above, the information had been provided and no further arguments to be taken up regarding the information. The PIO-PWD(B&R) however, did not file a reply to the show-cause notice. The PIO-PWD(B&R) was given one last opportunity to file a written reply to the show-cause notice.

Hearing dated 31.08.2021:

The case has come up for hearing today through video conferencing at DAC Patiala. The PIO-PWD(B&R) is absent nor has filed any reply to the show-cause notice.

The PIO-PWD(B&R) is given one last opportunity to file a reply to the show-cause notice and appear before the Commission personally on the next date of hearing otherwise it will be presumed that the PIO has nothing to say in the matter and the decision will be taken ex-parte. In the reply, the PIO must clarify that who was the PIO when the first show cause was issued and the PIO when the commission had impleaded the PIO PWD (B&R) in the case.

To come up for further hearing on **01.12.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Patiala.

Chandigarh
Dated: 31.08.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

- CCto:1. PIO-Director Land Records,**
Kapurthala Road, Jalandhar
- 2. PIO-PWD(B&R),Patiala**

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Sh.Gurinder Singh Sodhi,
R/o 47, Bank Colony,
Patiala

Appellant

Versus

Public Information Officer,
O/o Principal Secretary,
Local Govt. Department, Sector 35,
Chandigarh.

First Appellate Authority,
O/o Additional Director,
Local Govt. Department, Sector 35,
Chandigarh

Respondents

Appeal case No.2101 of 2020

PRESENT: Sh.Gurinder Singh as the Appellant
Sh.Sanjeev Kumar, PIO for the Respondent

ORDER;

The appellant, through RTI application dated 23.03.2018 has sought information regarding CPW No.19788 of 2015 Gora Lal Jindal v/s State of Punjab – a document filed before the High Court and other information concerning the office of Principal Secretary, Local Govt. Department, Punjab Chandigarh. The appellant was not with provided with the information after which the appellant filed the first appeal with the first appellate authority on 28.07.2018 which took no decision on the appeal.

On the date of the first hearing on 09.11.2020, the appellant claimed that the PIO has not provided the information.

The respondent was absent. Having gone through the file, the Commission observed that the PIO had written a letter on 26.02.2020 to Sh. Gora Lal for seeking his consent under section 11 (Third Party Information) of the RTI Act ,whereas per a copy of the letter received by the Commission from the PIO on 06.11.2020, the PIO had denied the information under section 8(h) of the RTI Act.

Since in the communication to the Commission the PIO had applied Section 8 (h) for denial of information, the PIO was directed to explain why he had applied this particular section. Merely stating the section without citing any plausible reason is not acceptable was to deny information.

On the date of hearing on 01.12.2020, the appellant claimed that the PIO has not provided the information.

Appeal case No.2101 of 2020

The respondent was absent on 2nd consecutive hearing. Since there had been an enormous delay of more than two years in providing the information, the PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit**. The PIO was again directed to provide the information within 10 days of the receipt of this order.

On the date of the hearing on **02.02.2021**, the respondent submitted a reply to the show-cause notice which was taken on the file of the Commission. In the reply, the respondent stated that since the court case is still pending, the information cannot be provided.

The case was adjourned.

On the date of last hearing on **18.05.2021**, as per the appellant, the PIO had not provided the information.

The respondent was absent. The case was adjourned.

Hearing dated 31.08.2021:

The case has come up for hearing today through video conferencing at DAC Patiala/Mohali. The respondent reiterated his earlier plea that since the court case is pending, the information cannot be provided. The respondent has also cited the order of Punjab Govt dated 09.08.2021 giving reference to the decision dated 13.11.2019 of Hon'ble Supreme court of India in Civil Appeal No.10044 of 2010 titled CPIO-Supreme Court of India Vs Subhash Chandra Agarwal.

However, the PIO has not been able to show any sufficient evidence which proves that the revelation of information will impede the process of court proceedings or there has been a bar to provide the above-sought information. Moreover, the PIO has taken two different propositions under sections 1 & 8(h), while holding on to this information, which makes the reason for holding the sought information sound ambiguous and weak. Hence, the plea of the PIO to deny the information is not valid.

The PIO is directed to provide information to the appellant within 15 days and send a compliance report to the Commission.

The case is adjourned. To come up for further hearing on **01.12.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner Patiala. The PIO to appear through VC at DAC Mohali.

Chandigarh
Dated: 31.08.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Vikarm Vaid,
H No-1527, Gali No-2,
Bagh Rama Nand,
Amritsar.

... Appellant

Versus

Public Information Officer,
O/o Director of Local Govt, Pb
Sector-35-A, Chandigarh.

First Appellate Authority,
O/o Addl, Director,
Deptt of Local Govt, Pb
Sector-35-A, Chandigarh.

... Respondent

Appeal Case No. 1336 of 2020

PRESENT: Sh. Vikram Vaid as the Appellant
None for the Respondent

ORDER:

The appellant through RTI application dated 05.11.2019 has sought information regarding details of funds allotted to Mehatpur Nagar Panchayat after 01.09.2006 in Nakodar – objective plan for which funds were allotted – bank details of Mehatpur Panchayat – internal audit report – AG Punjab audit report – deficiency found in the audit report and other information concerning the office of Director of Local Govt. Department, Pb Chandigarh. The appellant was not provided with the information after which the appellant filed the first appeal before the first appellate authority on 22.12.2019 which took no decision on the appeal.

On the date of the first hearing on 07.10.2020, the respondent present pleaded that the information has been sent to the appellant vide letter dated 03.10.2020 and a copy of the same submitted to the Commission. The appellant claimed that he has not received the information.

Since as per the respondent, the information was sent on 03.10.2020, the appellant was directed to point out the discrepancies to the PIO once the information is received and the PIO was directed to remove the same.

On the date of hearing on 09.03.2021, due to the non-functioning of VA at DAC Amritsar, the appellant could not be heard.

The Commission received an email from the appellant in which the appellant has pointed out deficiencies, which was taken on the file of the Commission. The respondent had brought the information and claimed that all deficiencies have been redressed.

A copy of the additional information was sent to the appellant along with the order.

The case was adjourned.

On the date of hearing on 18.05.2021, the appellant claimed that the PIO has not sorted out the discrepancies relating to point-4 since the audit reports for the year 2012 to 2015 are unattested, the audit reports for the years 2015-16 are not legible and audit report for the year 2018 has not been received.

The respondent was absent. The PIO was directed to sort out the discrepancies and provide attested legible copies of the information. The PIO was also directed to provide the remaining information relating to point-4 and be present at the next date of hearing.

Hearing dated 31.08.2021:

The case has come up for hearing today through video conferencing at DAC Amritsar/Mohali. The appellant claims that despite orders of the Commission, the PIO has not supplied the complete information.

The respondent is absent on 2nd consecutive hearing nor has complied with the order of the Commission. The Commission has taken a serious view of this and hereby directs the PIO 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 as well as for not complying the order of the Commission.** He/she 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.

The PIO is again directed to sort out the discrepancies and provide complete information to the appellant within 10 days of the receipt of the order.

To come up for further hearing on **16.11.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Amritsar. The PIO to appear through VC at DAC Mohali.

Chandigarh
Dated:31.08.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Surjit Singh,
Village.Aujla Dhak,
P.O Lidhar Kalan, Distt. Jalandhar.

... Appellant

Versus

Public Information Officer,
O/o XEN,
Water Supply and Sanitation Division-2,
Amritsar.

First Appellate Authority,
O/o SE,
Water Supply and Sanitation Circle,
Amritsar.

...Respondent

Appeal Case No. 2141 of 2020

PRESENT: **None for the Appellant**
 None for the Respondent

ORDER:

The appellant through RTI application dated 16.03.2020 has sought information regarding details of tenders issued for work got done from 01.03.2019 to 15.03.2020 in sub-divisions under Amritsar Division2 –a copy of bills passed for the work done for annual maintenance - a copy of cash books – a copy of quotation registers – the name of SDOs along with monthly travelling allowance bills and other information as enumerated in the RTI application from the office of Xen Water Supply and Sanitation Division No.2 Amritsar The appellant was not provided with the information after which the appellant filed first appeal before the first appellate authority on 28.04.2020 which took no decision on the appeal.

The case first came up for hearing on 25.02.2021 through video conferencing at DAC Amritsar. Due to a technical fault in VC at Amritsar, the hearing could not take place. The case was adjourned.

On the date of the last hearing on **18.05.2021**, both the parties were absent. The case was adjourned.

Hearing dated 31.08.2021:

The case has come up for hearing today through video conferencing at DAC Amritsar/ Jalandhar. The appellant is absent and vide email has informed that the PIO has not supplied the information.

The respondent is absent on 2nd consecutive hearing nor has supplied the information. There has been an enormous delay of more than one year and five months in attending to the RTI application. The Commission has taken a serious view of this and hereby directs the PIO 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.** He/she 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.

Appeal Case No. 2141 of 2020

The PIO is again directed to provide information to the appellant within 10 days of the receipt of the order and send a compliance report to the Commission.

The case is adjourned. To come up for further hearing on **22.11.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Amritsar. The appellant is to appear through VC at DAC Jalandhar.

Chandigarh
Dated:31.08.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Tarsem Singh, S/o Sh. Nishan Singh,
Roj Avenue, Chamari
Road, Ajnala, Amritsar .

...Appellant

Versus

Public Information Officer
O/o Addl, SE (Operational),
PSPCL, Division Ajnala,
Distt Amritsar.

First Appellate Authority,
O/o Chief Engineer, Border Zone,
Amritsar.

...Respondent

Appeal Case No. 3057 of 2019

PRESENT: Sh. Tarsem Singh as the Appellant
Sh. G. S. Khaira, SE-cum-PIO, PSPCL for the Respondent

ORDER:

The appellant through RTI application dated 30.04.2019 sought information regarding a copy of the application form/request dated 25.08.2015 for electric connection No.A11SA441492M along with a copy of bills issued and other information from the office of Addl. SE (Operational), PSPCL Division Ajnala. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 20.05.2019 which took no decision on the appeal. After filing the first appeal, the PIO sent a reply to the appellant vide letter dated 27.06.2019. On being not satisfied with the information, the appellant filed 2nd appeal in the Commission on 21.08.2019.

On the date of hearing on 30.12.2019, the representative appeared on behalf of the appellant informed that the PIO has not provided the complete information. The respondent was absent. The PIO was directed to relook at the RTI application and provide the complete information to the appellant within 10 days.

On the next date of hearing which was held on **17.03.2020**, the appellant claimed that the PIO has not provided the information. The respondent was absent on the 2nd consecutive hearing. The PIO-Addl. SE(Operational), PSPCL Division Ajnala was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit**. The PIO was again directed to provide the complete information within 10 days of the receipt of this order.

On the date of hearing again on 04.08.2020, the appellant claimed that the PIO has not provided the information. The PIO-Additional SE (Operational) PSPCL, Division Ajnala was absent on 3rd consecutive hearings nor had filed a reply to the show-cause notice. To secure an erring PIO's presence before the commission of the Information Commission, a bailable Warrant under section 18(3) of the RTI Act of the PIO-Additional SE (Operational) PSPCL, Division Ajnala was issued through Senior Superintendent of Police, Amritsar for his presence before the Commission on **15.09.2020**.

On the date of hearing on **15.09.2020**, the respondent was present at Chandigarh and informed that the information has been provided to the appellant vide letter dated 03.09.2020 with a copy to the Commission. The Commission received a copy of the information on 09.09.2020 which was taken on the file of the Commission.

The appellant was not satisfied. Having gone through the information that had been provided and hearing both the parties, the following was concluded:

- Point-1 - Information provided
- Point-2 - Information provided. Appellant not satisfied. The PIO to give in writing on an affidavit that the meter number was wrongly entered but the same has been corrected
- Point-3 - PIO to give reply on an affidavit
- Point-4 - PIO to give reply on an affidavit

The PIO submitted a reply to the show-cause notice which was taken on the file of the Commission. The decision on the show cause to be taken on the next date of hearing.

A copy of the order was sent to the Superintending Engineer, PSPCL Sub-urban, Circle Amritsar with the direction to enquire into the matter of mismatch of meter serial number and submit a detailed enquiry report to the Commission.

On the data of hearing on **09.11.2020**, as per the appellant, the PIO had not provided the information. The PIO was absent nor had compiled the order of the Commission.

It was also observed that respondent Sh. Gurmeet Singh was present in another appeal case No.909 of 2019 but had chosen not to appear in this particular case. Looking at the history of the case as well as non-compliance of the last order and the attitude of the respondent while disseminating information, it was clear that the respondent had willfully denied the information.

Since the appellant to collect the information had to suffer undue inconvenience, the PIO-Addl.SE(Operational) PSPCL Division Ajnala was directed to pay an amount of **Rs.3000/-** via demand draft as compensation to the appellant and submit proof of having compensated the appellant. The PIO was again directed to comply with the earlier order of the Commission. The decision on the show cause notice will be taken at the next date of hearing.

On the date of the hearing on **09.03.2021**, due to the non-functioning of the VC at DAC Amritsar, the hearing could not take place. The case was adjourned.

On the date of the last hearing on **18.05.2021**, the representative of the appellant informed that the PIO has not provided the affidavit nor has paid compensation as per the order of the Commission.

The respondent informed that he has already sent an affidavit to the Commission on 07.01.2021 and is having a copy of the same. The respondent provided a copy of the affidavit to the representative of the appellant. The respondent also assured to pay the compensation amount to the appellant within 2-3 days.

The respondent was directed to pay the compensation amount to the appellant within a week and send a compliance report to the Commission.

At the hearing, it also transpired that the respondent who filed an affidavit to the show cause of 17.03.2020 was an APIO in this case.

The PIO in this case was Superintending Engineer (Operation), PSPCL, Sub-urban, Amritsar who never appeared nor had filed a reply for the delay in providing the information. Since the onus to provide the information is on the PIO, the PIO-SE(Operation) PSPCL was issued a **show-cause notice under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time as well as for non-appearance and directed to file reply on an affidavit.** The PIO was also directed to appear personally on the next date of hearing.

Hearing dated 31.08.2021:

The case has come up for hearing today through video conferencing at DAC Amritsar. As per the respondent, the compensation amount has been paid to the appellant via DD No.150838 dated 21.05.2021 and the appellant has received the same.

As per the appellant, the PIO has still not provided the complete information nor any affidavit as per the order of the Commission. The PIO has assured to sort out all the discrepancies in the information/provide an affidavit to the appellant within a week and send a compliance report to the Commission.

The PIO has also not filed a reply to the show-cause notice. The PIO is given one last opportunity to comply with the earlier order of the Commission and file a reply to the show cause notice otherwise it will be presumed that the PIO has nothing to say in the matter and the commission will take ex parte decision.

The case is adjourned. To come up for further hearing on **16.11.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Amritsar.

Chandigarh
Dated 31.08.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: Superintending Engineer, PSPCL Sub-urban, Circle Amritsar



Sh. Ashwani Kumar,
Nievt Complex, Rahon Road,
Nawanshehar.

... Complainant

Versus

Public Information Officer,
O/o Secretary, Nari Niketan,
Jalandhar.

...Respondent

Complaint Case No. 930 of 2020

PRESENT: Sh.Ashwani Kumar as the Appellant
Sh.P.P.Singh Ahluwalia for the Respondent

ORDER:

The complainant through the RTI application dated 19.03.2020 has sought information regarding working/employment of Mrs.Navita Joshi in the Trust – designation held with duties – a copy of appointment letter –salaries and other information as enumerated in the RTI application from the office of Secretary Nari Niketan, Jalandhar. The complainant was not provided with the information after which the complainant filed a complaint in the Commission on 08.12.2020.

The case last came up for hearing on 28.04.2021 through video conferencing at DAC Jalandhar. The respondent was absent.

The Commission received a reply from Gurjot Kaur, General Secretary & Trustee, Nari Niketan Trust Jalandhar which was taken on the file of the Commission. It was mentioned in the reply that Nari Niketan Trust is a public charitable trust which does not receive substantial funding from any Government, directly or indirectly, as such it does not constitute a public authority under section 2(h) of the RTI Act and is under no obligation to share information under the RTI Act.

The appellant claimed that Nari Niketan Trust is availing sufficient grants from the Govt for its day to day functioning, thus it should come under the preview of the RTI Act.

The appellant was directed to submit sufficient evidence which might suggest that the Nari Niketan is a non-Government organization substantially financed, directly or indirectly by funds provided by the appropriate government.

On the date of the hearing on **06.07.2021**, the appellant has submitted a reply regarding Govt. funding provided to the Nari Niketan Trust, which was taken on the file of the commission.

The respondent was absent.

Since there was prima facie evidence of government funding, a copy of the reply received from the appellant was sent to the respondent to file a suitable reply.

A copy of the order was sent to ADC (General) Jalandhar with the direction to file a report on the quantum of government funds provided to Nari Niketan, Jalandhar from time to time, and the role of the district administration, if any, in the administration of the Nari Niketan Jalandhar.

Hearing dated 31.08.2021:

The case has come up for hearing today through video conferencing at DAC Jalandhar/Nawanshahar. As per the respondent, the institution is being run on the building constructed on private property. However, the respondent has not filed any reply to the earlier order of the Commission.

Earlier order stands. The PIO is given one last opportunity to file a complete report on the quantum of government funds provided to Nari Niketan, Jalandhar from time to time and the role of the district administration, in the administration of Nari Niketan Jalandhar from the year 1997 till date.

To come up for further hearing on **17.11.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Jalandhar. The appellant to appear through VC at DAC Nawanshahar.

Chandigarh
Dated:31.08.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: PIO-SDM, Jalandhar