

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



REGISTERED **SHOW CAUSE NOTICE**

Jitendra Kumar Sood,

Block 1, Flat No. 114, Patkar Vihar,

Nayay Khand 1, Indrapuram,

Ghaziabad, Uttar Pradesh – 201 014

Versus

Public Information Officer,

o/o Municipal Council, Kharar,
Mohali.

Public Information Officer,

o/o Municipal Committee,
Kharar, Mohali.

First Appellate Authority,

o/o Additional Deputy Commissioner,
Local Government,

A-Block, 3rd Floor, Mini Secretariat,
District Patiala – 147 003

Appeal Case No. 3900 of 2019

Date of Order: 6.6.2022

(To be read in continuity with earlier Orders on 19.12.19, 13.2.2020, 24.9.2020, 16.6.2021, & 23.7.2021)

1. The RTI application is dated **6.6.19** vide which the appellant has sought information as under:

1. Whether your office had received request letter from CGEWHO regarding to provide completion certificate of housing project, Mohali, phase 2, Kharar, if so provide the legible copy of request letter.
2. Provide legible documents submitted by CGEWHO to obtain completion certificate.
3. Name and designation of the official(s) visited the site for inspection of project and also provide copy of the report submitted by them.
4. Provide legible copy of occupancy certificate if issued by your office,

as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **23.8.19**, and Second Appeal was filed in the Commission on **18.10.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **23.7.2021**.

contd. ...2

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Appeal Case No. 3900 of 2019

Facts:

2. At the FIRST HEARING of this Appeal Case ON 19.12.2019, the SPIO, represented by Roshan Lal, Clerk, brought in a number of random files and offered to let the appellant inspect these. The appellant, J.K. Sood however pointed out that his request for information was very specific and that the SPIO ought to locate the documents sought and furnish certified copies. Accordingly, the respondent was directed to carefully examine the RTI application and supply the sought record by way of attested copies, with a copy to the Commission.

3. At the SECOND HEARING on 13.2.2020, the SPIO, once again represented by Roshan Lal, Clerk, stated that the information had been sent to the appellant vide Letter No. 07 dated 10.2.2020. When the appellant pointed out that the information furnished was only partial, the SPIO's representative stated that the remaining record was "not available" with the Municipal Council Kharar. The respondent however, had no clue whether any steps had been initiated to trace / reconstruct the missing record. Noting that the respondent appeared to be reluctant to part with the requested information, the Commission directed the SPIO-cum-Executive Officer Municipal Council Kharar to appear at the next Hearing in person. Furthermore, a compensation of Rs. 10,000.00 was awarded to the appellant, who is a septuagenarian, disabled person, for the harassment a detriment caused to him.

4. Hearings of this Appeal Case had to be repeatedly adjourned in view of the Covid-19 restrictions and it was eventually taken up for its THIRD HEARING on 24.9.2020, whereon the Order was RESERVED. In the interim period, the SPIO submitted an affidavit dated 24.12.2020 stating that the "remaining information" was sent to the appellant by registered post on 22.6.2020. The SPIO also stated that the compensation ordered by the Commission in its Order of 13.2.2020, had also be paid to the appellant vide OBC Cheque No. 049878 dated 19.8.2020, which sent to him by registered post on 20.8.2020. The appellant however, persisted with the contention that his RTI application had still not been fully addressed.

5. Accordingly, vide the Commission's Order of 16.6.2021, the SPIO was issued a Show Cause Notice for causing willful delay / denial of the information sought by the appellant as far back as on 6.6.2019.

6. At the FOURTH HEARING on 23.7.2021, the SPIO-cum-EO Sh. Sangeet Kumar submitted a reply vide Letter No. 142 dated 22.7.2021 along with the requested information. On examination however, none of the documents were found attested. Accordingly, the SPIO was directed to submit all the requested information along with a pointwise reply by way of a duly notarized affidavit before 26.7.2021.

7. At the FIFTH HEARING on 23.12.2021, the SPIO-cum-EO Sh. Rajneesh Sood, who had complied with the Commission's Order of 23.7.2021, was further directed to submit a list of SPIO's since the filing of this RTI application on 6.6.2019. He complied vide Letter No. 287 dated 23.12.2021.

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Appeal Case No. 3900 of 2019

Decision:

8. This RTI application was filed on 6.6.2019 and it appears that the SPIO-cum-EO incumbent at the time, obstructed in furnishing the requested information to the appellant. In his reply to the Show Cause Notice issued by the Commission, the SPIO has submitted copies of two letters (No.130 dated 21.6.2019 and No. 158 dated 19.7.2019) whereby he contends that the appellant was duly informed that the information sought by him was voluminous and would be supplied to him after he inspects the record in person at the office of the Municipal Council at Kharar. The appellant has however, rightly challenged the veracity of the aforesaid replies, neither of which were received by him. Furthermore, the SPIO has failed to demonstrate any proof of whether said replies were in fact sent to the appellant.

9. Keeping all the facts of the case in mind, the SPIO incumbent on the date this RTI application was filed i.e. 6.6.2019, is hereby issued this Show Cause Notice:

The **Sh. Rajesh Kumar Sharma**, who was incumbent as SPIO, Municipal Council Kharar, on 6.6.2019, is directed herewith, to **SHOW CAUSE** as to why a penalty should not be imposed upon him under Section 20(1) of the RTI Act, 2005, for causing willful delay/denial of the information requested by the appellant as far back as on **6.6.2019**.

“In addition to a written reply, the SPIO 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 a personal hearing on the date fixed, it shall be presumed that he has nothing to say in his defense, and the Commission shall initiate further proceedings against him *ex parte*.”

10. It will be the responsibility of the incumbent/present SPIO to ensure that this Show Cause Notice is served on Sh. Rajesh Kumar Sharma.

11. **Next Hearing on 5.7.2022 at Punjab State Information Commission, Sector 16, Chandigarh.**

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

Chandigarh
6.6.2022

Cc: Additional Deputy Commissioner, Urban Development, Mohali, for information and further necessary action.