

PUNJAB STATE INFORMATION COMMISSION

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

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

Email: psic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



Sh. Sandeep Kumar, (9261330007)
R/o # 3035, Street No. 7,
Guru Nanak Colony,
Tran Taran Road, Amritsar-143001

...Appellant

Versus

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

First Appellate Authority

O/o Commissioner,
Municipal Corporation, Amritsar.

...Respondents

APPEAL CASE NO. 4258 OF 2021

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- Sh. Sandeep Kumar, appellant.
Sh. Deepak, JE _____ & Sh. Danish Behal (Civil Department)
8360884878 on behalf of the respondents.9878626403

ORDER

This order may be read with reference to the previous order dated 2.12.2021.

2. The appellant states that he has not received the information pertaining to Point No. 1, 3 and 4 of the RTI application. However, the representative of the respondents states that the information pertaining to Point No. 1 & 4 relates to other Asstt. Public Information Officer i.e. Sh. Rajinder Singh, Executive Engineer, (Operation and Maintenance Cell), o/o Municipal Corporation, Amritsar. Regarding Point No. 3 of the RTI application, the representative of the respondents Sh. Danish Behal, (Civil Department), Municipal Corporation, Amritsar states that the information has already been sent to the appellant but the same will again be sent to him through registered post before the next date of hearing with a copy to the Commission.

3. Sh. Rajinder Singh, Executive Engineer, (O&M) Municipal Corporation is directed to supply the information pertaining to Point No. 1 & 4 of the RTI application in this case before the next date of hearing. A copy of the RTI application is being **sent** to him along with this order. The respondent-APIO in this case i.e. Sh. Rajinder Singh, Executive Engineer, (O&M) Municipal Corporation, Amritsar is also directed to remain present on the next date of hearing failing which punitive action will be initiated against him as per the provisions of the RTI Act, 2005.

Contd..p/2

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



APPEAL CASE NO. 4258 OF 2021

-2-

4. To come up on 7.4.2022 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Amritsar.

Dated: 9.2.2022

sd
(Suresh Arora)
Chief Information Commissioner,
Punjab

CC
Sh. Danish Behal,
(Civil Department),
Municipal Corporation,
Amritsar

Sh. Rajinder Singh,
Executive Engineer,
(Operation and Maintenance Cell),
o/o Municipal Corporation,
Amritsar.

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



Shri Yogesh Mahajan, M9814354649

Opp. Water Tank, Municipal Market,

Mission Road, Pathankot.

Appellant

Vs

Public Information OFFICER,

O/O Improvement Trust,

Amritsar.

First Appellaant Authority,

O/O Improvement Trust,

Amritsar.

Respondents

Appeal Case No. 0812 of 2021

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- Sh. Yogesh Mahajan, appellant.

Sh. Vaneet 9988593068 on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 7.12.2021. The said case was earlier heard by the Bench of Sh. Hem Inder Singh, State Information Commissioner as he has demitted the office, therefore, the case has been reallocated to this bench and fixed for hearing today i.e. 9.2.2022.

2. The representative of the respondents requested for the adjournment of the case and assured that the complete information will be supplied to the appellant before the next date of hearing.

3. According to the assurance given by the representative of the respondents the case is adjourned with the directions to supply the same before the next date of hearing failing which penalty provisions will be invoked on the next date of hearing.

4. To come up on 7.4.2022 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Amritsar/Pathankot.

sd

(Suresh Arora)

Chief Information Commissioner,

Punjab

Dated: 9.2.2022

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



Shri Yogesh Mahajan, M9814354649

Opp. Water Tank, Municipal Market,

Mission Road, Pathankot.

Appellant

Vs

Public Information OFFICER,
O/O Town Improvement Trust,
Amritsar.

First Appellaant Authority,
O/O Executive Officer,
Town Improvement Trust,
Amritsar.

Respondents

Appeal Case No. 1644 of 2021

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- Sh. Yogesh Mahajan, appellant.

Sh. Vaneet 9988593068 on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 7.12.2021. The said case was earlier heard by the Bench of Sh. Hem Inder Singh, State Information Commissioner as he has demitted the office, therefore, the case has been reallocated to this bench and fixed for hearing today i.e. 9.2.2022.

2. The representative of the respondents states that the specific reply has already been sent to the appellant vide letter dated 10.1.2022 pertaining to Point No. 1 & 2 of the RTI application. A copy of which is already available in the case file.

3. After detailed deliberations with the parties regarding information sought by the appellant i.e. Point No. 3 & 4 of the RTI application, the appellant is directed to establish the public interest involved in seeking the information which is apparently voluminous in nature to take the matter to its logical end.

4. To come up on 7.4.2022 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Amritsar/Pathankot.

sd

(Suresh Arora)

Chief Information Commissioner,
Punjab

Dated: 9.2.2022

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 Suresh Kumar Aggarwal,
2585/2A, Jagat Nagar,
Basti Jodhewal, Ludhiana. 141007

..Appellant

Vs

Public Information Officer,
O/o Deputy Commissioner,
Ludhiana.

First Appellate Authority
O/o Deputy Commissioner,
Ludhiana.

..Respondents

Appeal Case No. 67 of 2022

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- None on behalf of the appellant.
Sh. Gurpreet Singh, Clerk 9855494710 on behalf of the respondents.

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 2.11.2021 and second appeal was filed in the Commission on 20.12.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for 9.2.2021.

2. The representative of the respondents states that the reply has already been sent to the appellant vide letter dated 4.8.2022 with a copy to the Commission, which is taken on record. According to the said letter the appellant has been advised to deposit the necessary fee with the concerned patwaris' and in case the record is online then the same may be taken from the Farad Kender after deposit of necessary fee.

3. It is appropriate to mention here the decision of the Hon'ble Supreme Court of India in Civil Appeal No. 5665/2014 – Institute of Companies Secretaries of India Vs Paras Jain, and the relevant portion of the same is reproduced below:-

"...Rule 4, The Right to Information (Regulation of Fees and Cost) Rules, 2005

Contd..p/2

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



Appeal Case No. 67 of 2022

-2-

which also entitles the candidates to seek inspection and certified copies of their answer scripts. In our opinion, the existence of these two avenues is not mutually exclusive and it is up to the candidate to choose either of the routes. Thus, if a candidate seeks information under the provisions of the Right to Information, then payment has to be sought under the Rules therein, however, if the information is sought under the Guidelines of the appellant, then the appellant is at liberty to charge the candidates as per its guidelines...."

4. It is also pertinent to mention here the decision of the Hon'ble Punjab and Haryana High Court in Civil Writ Petition No. 12016 of 2016 in Shakti Singh Vs State Information Commission, Haryana and others, and the relevant portion of the same is reproduced below:-

"...12. The reply to this question is that there being no inconsistency under the RTI Act and the provisions of the other statute/law, the option and prerogative is with the citizen to select and choose to exercise his right under such Act/law or the RTI Act. In case the citizen prefers to move an application under the RTI Act, Public Information Officer, on receipt of such request, shall proceed to take a decision thereon and provide information as a norm and any denial of the same must be in accordance with Sections 8, 9 and 11 only. The right to information, thus, cannot be denied under the RTI Act merely because a statutory mechanism is evolved and prescribed under an Act, which is also applicable, obliging a public authority to share the same by following a prescribed procedure subject to fulfilment of prescribed conditions. If it is held otherwise, it would negate and lead to derecognising the fundamental right to information as granted under the RTI Act, which is unacceptable.

13. The answers to the two questions as posed in para 6 above are;

(i) In case of any inconsistency between the provisions of RTI Act and

Contd..p/3

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



Appeal Case No. 67 of 2022

-3-

other Act/law, the RTI Act shall prevail.

(ii) In case of an application preferred under the RTI Act where alternative procedure and conditions are prescribed under any other statute/law, the said application cannot be rejected and/or information denied on this ground. Such application shall be dealt with under the provisions of the RTI Act.

14. In the light of the above, the impugned order dated 04.04.2016 (Annexure P-6) passed by the State Information Commission, Haryana, cannot sustain as the Commission has rejected the claim of the petitioner under the RTI Act proceeding upon the wrong assumption that the 6 of 7 Registration of Births and Deaths Act, 1969, being a legislation and statutory in nature, is not overridden by the RTI Act. It may be added here that the information under the RTI Act can only be denied if the same is exempted from disclosure of information under the provisions of RTI Act itself such as Sections 8, 9 and 11 thereof."

5. Keeping in view the judicial pronouncements mentioned herein, the respondent-Public Information Officer has to supply the information under the RTI Act, 2005 after charging the fees as per the provisions of the RTI Act, 2005. But, it is also a fact that in case the complainant is seeking the information under the provisions of the RTI Act, 2005 then the other provisions of the Act has to be followed. In case, the complainant is seeking a 3rd party information, then the respondent-Public Information Officer is directed to adopt the procedure laid down under Section 11 of the RTI Act, 2005. After adoption of the procedure, the appropriate decisions be taken by the respondent-Public Information Officer and the same be sent to the Commission for consideration before the next date of hearing else file the reply/supply the complete information in this case to the appellant

Contd..p/4

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



Appeal Case No. 67 of 2022

-4-

before the next date of hearing and in case there is any documentation fee prescribed under the RTI Act, 2005, then the same may be charged as per the Punjab RTI Rules, 2017 which are as follows:-

- 4. Fees for providing information.-**Fee for providing information under sub-section (4) of section 4 and sub-sections (1) and (5) of section 7 of the Act shall be charged at the following rates, namely:-
- (a) rupees two for each page in A-3 or smaller size paper;
 - (b) actual cost or price of a photocopy in large size paper;
 - (c) actual cost or price for samples or models;
 - (d) rupees fifty per diskette or floppy;
 - (e) price fixed for a publication or rupees two per page of photocopy for extracts from the publication;
 - (f) no fee for inspection of records for the first hour of inspection and a fee of rupees five for each subsequent hour or fraction thereof; and
 - (g) postal charge involved in supply of information that exceeds fifty rupees.

6. To come up on 12.4.2022 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana.

Dated: 9.2.2022

sd
(Suresh Arora)
Chief Information Commissioner,
Punjab

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. Amarjit Singh Dhamotia, RTI Activist,
NCAG Office, Ludhiana,
1331-5, Street No. 5,
Near Vishkarma Bhawan,
Down Canal Road, Simlapuri,
Ludhiana 141003

..Appellant

Vs

Public Information Officer,
O/o Deputy Commissioner,
Ludhiana.

First Appellate Authority
O/ Deputy Commissioner,
Ludhiana.

..Respondents

Appeal Case No. 5297 of 2021

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- Sh. Amarjit Singh Dhamotia, appellant.

Sh. Ranjit Singh, NSK _____ on behalf of the respondents.

ORDER

The RTI application is dated 13.7.2021 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 14.8.2021 and second appeal was filed in the Commission on 20.12.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for 28.12.2021 but due to administrative reasons the case for further fixed for hearing today i.e. 9.2.2022.

2. The representative of the respondents assured that the information will be supplied to the appellant before the next date of hearing under intimation to the Commission.

3. According to the assurance given by the respondent, the case is adjourned.

4. To come up on 11.4.2022 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana.

sd

Dated: 9.2.2022

(Suresh Arora)

Chief Information Commissioner,
Punjab

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



Ms. Anupama Singh,
Patti Massor Ki,
VPO Bandala, Amritsar.

..Appellant

Vs

Public Information Officer,
O/o Deputy Commissioner,
Amritsar.

First Appellate Authority
O/ Deputy Commissioner,
Amritsar.

..Respondents

Appeal Case No. 70 of 2022

Present:- Shri Arvinder Pal Singh, District Revenue Officer on behalf of the respondents

ORDER

The RTI application is dated 11.9.2021 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 16.10.2021 and second appeal was filed in the Commission on 20.12.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for 9.2.2021

2. The respondent Public Information Officer requested for the adjournment of the case due to Punjab assembly elections. He also assured that the complete information will be provided to the appellant before the next date of hearing. As per the assurance given by the respondent Public Information Officer the case is adjourned.

3. To come up on 9.3.2022 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana.

sd

Dated: 9.2.2022

(Suresh Arora)

Chief Information Commissioner,
Punjab.