

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

Rakesh Kumar,
Shop No. 36, New Grain Market, Sunam – 148 028.

Versus

Public Information Officer,
o/o District Manager, Punjab Agro Food Grain Corporation, Sangrur.
First Appellate Authority,
o/o District Manager, Punjab Agro Food Grain Corporation, Sangrur.

Appeal Case No. 1092 of 2022 (Video Conference Proceedings)

PRESENT:

Rakesh Kumar (Appellant) 98140-68670

Balbir Kaur, Clerk (for the Respondent) 94654-33910

ORDER:

1. The RTI application is dated **18.11.2021** vide which the appellant has sought information as under:-

Public Information Officer,
DISTRICT MANAGER
PUNJAB AGRO FOOD GRAIN CORPORATION,
SANGRUR

From Applicant:-
Rakesh Kumar (Resd) c/o Sh. Bhupendra Chahal,
Shop No. 36, New Grain Market, Sunam-148028,
Email: psic21@punjabmail.gov.in Court-98140-68670.

Subject:- Inspection of record under section-51 & (ii) of RTI Act, 2005 related to Rice
Mills mentioned below:-

(A) Pashanur Rice Mill, Sunam (Village Sangrur) Jalandhar, Taluk Sangrur, Dist. Sangrur I.

The period to which the information is related :- from 01.09.2012 to 31.12.2021.

Kindly provide me the following record/ documents to inspect as mentioned below :-

1. Milling agreement files of all the Rice Mills mentioned above. So I can inspect & take
certified copies of required documents related to District Rice Mills such as property,
Registration Certificate issued by the Registrar of Firms & Societies etc.

I assure you that I will pay fee of inspection and certified copies at the time of inspection, as
applicable under The RTI Act, 2005.

If any of the information (fully or partly) sought above does not pertain to you, kindly
forward it, to the respective department under Section 6 (3) of RTI Act 2005, by intimating to
me.

Information to be received by :- my hand.

Application fee attached here with :- Indian Rupee of Rs. 50/- No. 98140-68670

"Pay out" column of the PD has been left blank, because I am not aware about the exact
name in which the concerned Public Authority having account.

(Applicant's Signature) DATE: 18.11.2021 Place: Sunam

Rakesh Kumar Jindal

Att. Madhu and Photo copy.

Stamp: INFORMATION COMMISSION, PUNJAB, CHANDIGARH

Contd....2

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Appeal Case No. 1092 of 2022 (Video Conference Proceedings)

as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **25.12.2021** and Second Appeal was filed in the Commission on **3.3.2021** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **9.6.2021**.

2. Both parties are present. The requested information was first denied by Letter No. 1101 Dated 16.12.2021, as third party information. The appellant submitted a First Appeal with the FAA on 25.12.2021, The FAA however, failed to hear the case, which is in violation of the RTI Act, 2005. In reply to the Commission's Notice of Hearing, vide Letter No. 110-11 Dated 6.5.2022, the respondent PIO has once again stated that the information was denied as Third party information and submitted copies of correspondence with the appellant. The respondent PIO has also cited a letter of the Department of Governance Reforms & Public Grievances, Punjab, Dated 9.8.2021, citing a Supreme Court of India Order in Civil Appeal No. 10044 of 2010 pertaining to "personal" information.

3. However, third party information is to be dealt with as per the procedure stipulated in Section 11 of the RTI Act, 2005. The respondent PIO failed to follow said procedure and is therefore in violation of the RTI Act. This Commission deems it fit to issue a Show Cause Notice to the respondent PIO:

4. The respondent **PIO-cum-Manager, Chander Shekar Pathak**, is herewith ordered to **SHOW CAUSE** as to why a penalty should not be imposed upon him under Section 20 (1) of RTI Act, 2005, for causing willful delay/denial of the information requested by the appellant as far back as on **18.11.2021**.

"In addition to the written reply, the respondent PIO is also given an opportunity under Section 20 (1) provision there to, 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 personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him *ex parte*." Copies of this order be sent to the parties through registered post.

5. Furthermore, the respondent PIO is directed to inform the stated third party regarding this Appeal Case within next Five days. The PIO will also be responsible for ensuring that a copy of this Order is conveyed to the said third party, who is hereby granted an opportunity to make a submission in writing or to be heard in person at the next hearing.

6. **Next hearing on 9.8.2022 at 11.30 am via Video Conference Facility at DC Office, Sangrur.**

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

Chandigarh
9.6.2022

Cc: Punjab Agro Industries Corporation Limited,
Plot No. 2(A), Sector 28 A, Madhya Marg,
Chandigarh, for information and further necessary action.

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Manjit Singh alias Kuku,
S/o Mahinder Singh,
Mohalla Near Wada Gurdwara,
Sunam, District Sangrur.

Versus

Public Information officer,
o/o Assistant Labour Commissioner,
Sangrur.
First Appellate Authority,
o/o Labour Commissioner Punjab.,
Mohali.

Appeal Case No. 3812 of 2021 (Video Conference Proceedings)

PRESENT:

(Appellant) Absent

Arun Kumar, Enforcement Officer (for the Respondent) 96532-05151

ORDER:

1. The RTI application is dated **19.3.2021** vide which the appellant has sought information **regarding a complaint cited in the RTI application**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **20.4.2021** and Second Appeal was filed in the Commission on **24.8.2021** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **9.6.2022**.

2. The appellant is absent but has informed the Commission on telephone that he has not received the requested information. However, the respondent PIO. in a letter to the Commission, has stated that a reply was given to the appellant vide Letter No. 87 Dated 9.4.2021, informing him that the first part of the information is denied as third party information and the second part of the information is concerned with the office of Assistant Labour Commissioner, Sangrur. This was once again conveyed to him vide Letter No. 148 Dated 27.7.2021.

3. However, in view of the appellant's absence, the Commission grants him one more opportunity to be heard in person at next hearing.

4. **Next hearing on 9.8.2022 at 11.30 am via Video Conference Facility at DC Office, Sangrur.**

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

Chandigarh
9.6.2022

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REGISTERED SHOW CAUSE NOTICE

Prem Kumar Rattan,
H.No.78/8, Park Road,
Navi Mandi, Dhuri,
Sangrur.

Versus

Public Information officer,
o/o Executive Engineer,
Irrigation Department,
Sangrur.

First Appellate Authority,
o/o Water Resources Minister, Pb.,
Chandigarh.

Appeal Case No. 4729 of 2021 (Video Conference Proceedings)

PRESENT:

Prem Kumr Rattan (Appellant) 85095-80002
Kumar Dhawan, SDO (for the Respondent) 79864-20125

ORDER:

1. The RTI application is dated **30.7.2021** vide which the appellant has sought information **regarding approvals for construction on irrigation department land etc.**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **29.8.2021** and Second Appeal was filed in the Commission on **13.10.2021** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **9.6.2021**.

2. Both parties are present. After deliberations at this hearing, the appellant is requested to submit all correspondence with the respondent PIO, to the Commission including any Order by the First Appellate Authority, if available.

3. The Commission also deems it fit to issue a Show Cause Notice to the respondent PIO-cum-XEN-Sukhjeet Singh.

4. The respondent **PIO-cum-XEN, Sukhjeet Singh**, is herewith ordered to **SHOW CAUSE** as to why a penalty should not be imposed upon him under Section 20 (1) of RTI Act, 2005, for causing willful delay/denial of the information requested by the appellant as far back as on **30.7.2021**.

“In addition to the written reply, the respondent PIO is also given an opportunity under Section 20 (1) provision there to, 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 personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him *ex parte*.” Copies of this order be sent to the parties through registered post.

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Appeal Case No. 4729 of 2021 (Video Conference Proceedings)

5. The respondent PIO is further directed to file a fresh, pointwise reply to the RTI application along with any earlier replies sent to the appellant.

6. IMPORTANT! All documents / information supplied to appellants / complainants must mandatorily be attested as under:

Information supplied under the RTI Act, 2005

Signature of the PIO

Name of the PIO

Name of the Public Authority

Date

7. Next hearing on 9.8.2022 at 11.30 am via Video Conference Facility at DC Office, Sangrur.

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

Chandigarh
9.6.2022

Cc: Superintendent Engineer,
IB Circle, Nabha Road,
Patiala, for information and further necessary action.

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Prem Kumar Rattan,
H.No.78/8, Park Road,
Navi Mandi, Dhuri,
Sangrur.

Versus

Public Information officer,
o/o Executive Engineer,
Irrigation Department,
Sangrur.
First Appellate Authority,
o/o Executive Engineer,
Irrigation Department,
Sangrur.

Appeal Case No. 4911 of 2021 (Video Conference Proceedings)

PRESENT:

Prem Kumr Rattan (Appellant) 85095-80002
Kumar Dhawan, SDO (for the Respondent) 79864-20125

ORDER:

1. The RTI application is dated **4.8.2021** vide which the appellant has sought information **regarding approval for shops, passages on irrigation department land; expenditure on distributary canals etc.,** as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **29.8.2021** and Second Appeal was filed in the Commission on **27.10.2021** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **9.6.2022**.

2. Both parties are present. The respondent PIO sent a reply to this RTI application vide Letter No. 4321 Dated 22.9.2021, with a pointwise reply. The appellant has submitted objections to said reply vide Letter Dated 6.10.2021.

3. After deliberations, the respondent PIO-cum-XEN Irrigation Department, Sangrur, is directed to submit a pointwise reply to the RTI application by way of duly notarized affidavit. The original affidavit is to be sent to the appellant by Registered Post and a copy be submitted to this Commission.

4. **Next hearing on 9.8.2022 at 11.30 am via Video Conference Facility at DC Office, Sangrur.**

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

Chandigarh
9.6.2022

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Joginder Singh, S/o Dayal Singh,
H.No. B-IV/922, Old Radha Swami Street,
Barnala – 148 101.

Versus

Public Information officer,
o/o District Manager,
Punjab State Warehousing Corporation,
Barnala.

First Appellate Authority,
o/o Managing Director,
Punjab State Warehousing Corporation,
Pb., Chandigarh.

Appeal Case No. 4945 of 2021 (Video Conference Proceedings)

PRESENT:

(Appellant) Absent

Indu Bhushan Tiwari, PIO-District Manager (Respondent)

Rinku, Godam Attendant (for the Respondent) 98151-74451

ORDER:

1. The RTI application is dated **10.5.2021** vide which the appellant has sought information **by way of a certified copy of the Court Order vide which FCI released a refund of Rs. 20,730,487/- to PSWC on 8.5.2017 along with all attendant documents in five points etc.,** as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **17.6.2021** and Second Appeal was filed in the Commission on **28.10.2021** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **9.6.2021**.

2. The appellant is absent but has informed the Commission of his inability to attend this hearing. The respondent PIO had sent a reply to this RTI application vide Letter No. 761 Dated 22.6.2021, with a pointwise reply and information pertaining to point no. 1 of the RTI application. The respondent PIO reiterated the reply vide Letter Dated 26.7.2021, following the First Appeal filed by the appellant. In Second Appeal to this Commission, the appellant contended that he has not given any information with regards to point no. 2, 3, 4, and 5.

3. The Commission examined the original reply vide Letter No. 761 Dated 22.6.2021, and is of the view that the respondent PIO has addressed the queries in the RTI application adequately. However, in view of the Second Appeal filed by the appellant, the Commission directs the respondent PIO to submit his reply vide Letter No. 761 Dated 22.6.2021, by way of duly notarized affidavit. The original affidavit is to be sent to the appellant by Registered Post, a copy of the same be submitted to the Commission.

4. **Next hearing on 9.8.2022 at 11.30 am via Video Conference Facility at DC Office, Sangrur.**

Sd-
(ASIT JOLLY)
State Information Commissioner, Punjab.
Chandigarh
9.6.2022

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REGISTERED SHOW CAUSE NOTICE

Bhola Singh,
S/o Joginder Singh,
Vill.Nagla, Tehsil Lehra, District Sangrur

Versus

Public Information officer,
o/o Divisional Forest Officer,
Sangrur.
First Appellate Authority,
o/o Chief Conservator of Forests,
Mohali.

Appeal Case No. 4066 of 2021 (Video Conference Proceedings)

PRESENT:

(Appellant) Absent

Karamjit Kaur, Superintendent (for the Respondent) 98147-09045

ORDER:

1. The RTI application is dated **8.12.2020** vide which the appellant has sought information **regarding action on the application Dated 27.10.2020 to the Chief Conservator of Forests regarding theft in the Forest Range Lehra Gaga**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **7.5.2021** and Second Appeal was filed in the Commission on **7.9.2021** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **9.6.2022**.

2. The appellant is absent. This RTI application was submitted on 8.12.2020, to which there was no reply from the respondent PIO. This was despite an Order by FAA No. 976-977 Dated 26.5.2021, directing the respondent to furnish the information. In a detailed reply to the RTI application vide Letter No. 1585 Dated 2.6.2022, which was approximately one-and-a-half-years after the filing of the RTI application, the respondent PIO informed the appellant that the matter cited in the RTI application is still under investigation and that the information would be given after the investigation is complete.

3. The Commission takes a very serious view of the respondent PIO's conduct in ignoring this RTI application for some 18 months and deems it fit to serve the respondent PIO-cum-DFO, Sangrur, with this Show Cause Notice.

4. The respondent **PIO-cum-DFO, IFS, Sangrur Monika Devi Yada**, is herewith ordered to **SHOW CAUSE** as to why a penalty should not be imposed upon him under Section 20 (1) of RTI Act, 2005, for causing willful delay/denial of the information requested by the appellant as far back as on **8.12.2020**.

Contd....2

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Appeal Case No. 4066 of 2021 (Video Conference Proceedings)

“In addition to the written reply, the respondent PIO is also given an opportunity under Section 20 (1) provision there to, 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 personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him *ex parte*.” Copies of this order be sent to the parties through registered post.

5. Further, the respondent PIO is directed to submit a detail of status of the enquiry of the complaint cited in the RTI application along with all the statements recorded, opinions received etc. in a sealed cover to the Commission. This must be done before the next hearing.

6. IMPORTANT! All documents / information supplied to appellants / complainants must mandatorily be attested as under:

Information supplied under the RTI Act, 2005

Signature of the PIO

Name of the PIO

Name of the Public Authority

Date

7. Next hearing on 9.8.2022 at 11.30 am via Video Conference Facility at DC Office, Sangrur.

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

Chandigarh
9.6.2022

Cc: Chief Conservator of Forest,
Mohali, for information and further necessary action.

PUNJAB STATE INFORMATION COMMISSION

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Madhya Marg, Sector 16, Chandigarh.

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REGISTERED SHOW CAUSE NOTICE

Ajay Kumar,
1, Rose Avenue Colony,
Near Improvement Trust Office,
Malerkotla.

Versus

Public Information Officer,
o/o Divisional Forest Officer,
Sangrur.
First Appellate Authority,
o/o Conservator of Forest,
South Circle,
Patiala.

Appeal Case No. 4282 of 2021 (Video Conference Proceedings)

PRESENT:

Ajay Kumar (Appellant) 98153-53588
Karamjit Kaur, Superintendent (for the Respondent) 98147-09045

ORDER:

1. The RTI application is dated **21.12.2020** vide which the appellant has sought information **regarding NOCs issued to Petrol Pumps, Retail Outlets etc.,** as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **24.9.2021** and Second Appeal was filed in the Commission on **21.9.2021** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **9.6.2021**.
2. Both parties are present. As per the appellant, he has received no reply to his RTI application of 21.12.2020. The respondent PIO has submitted a copy of a reply to the appellant vide Letter No. 49 Dated 30.5.2022, inviting him to inspect the record in the office of Divisional Forest Officer, Sangrur, on 7.7.2022.
3. The Commission notes that it has taken nearly one and half year for the respondent PIO to send a reply to this RTI application. Such delays are against the spirit of transparency enshrined in the RTI Act, 2005. The Commission deems it fit to issue the respondent PIO-cum-DFO, Sangrur, **Ms. Monica Devi Yadav, IFS**, with this Show Cause Notice.
4. The respondent **PIO-cum-DFO, IFS, Sangrur, Monika Devi Yadav,** is herewith ordered to **SHOW CAUSE** as to why a penalty should not be imposed upon him under Section 20 (1) of RTI Act, 2005, for causing willful delay/denial of the information requested by the appellant as far back as on **21.12.2020**.

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Appeal Case No. 4282 of 2021 (Video Conference Proceedings)

“In addition to the written reply, the respondent PIO is also given an opportunity under Section 20 (1) provision there to, 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 personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him *ex parte*.” Copies of this order be sent to the parties through registered post.

5. The respondent PIO is further directed to send a written, pointwise reply to the RTI application along with the requested information to the appellant within 15 days of receipt of this Order. A copy of the same be submitted to the Commission.

6. IMPORTANT! All documents / information supplied to appellants / complainants must mandatorily be attested as under:

Information supplied under the RTI Act, 2005

Signature of the PIO

Name of the PIO

Name of the Public Authority

Date

7. Next hearing on 9.8.2022 at 11.30 am via Video Conference Facility at DC Office, Sangrur.

Sd-

(ASIT JOLLY)

State Information Commissioner, Punjab.

Chandigarh

9.6.2022

Cc: Conservator of Forest,
South Circle,
Patiala, for information and further necessary action.

PUNJAB STATE INFORMATION COMMISSION

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Madhya Marg, Sector 16, Chandigarh.

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REGISTERED SHOW CAUSE NOTICE

Rajinder Kumar Sharma,

S/o Sh. Harbans Lal,

VPO Raisar, Tehsil & District Barnala – 148 101

Versus

Public Information Officer,

o/o Divisional Forest Officer, Sangrur.

First Appellate Authority,

Conservator of Forests, South Circle,

Patiala.

Appeal Case No. 2392 of 2021 (Video Conference Proceedings)

PRESENT:

Rajinder Kumar Sharma (Appellant) 94635-12563

Karamjit Kaur, Superintendent (for the Respondent) 98147-09045

ORDER:

(To be read in continuity with earlier orders on 5.4.2022)

1. The RTI application is dated **11.1.2021** vide which the appellant has sought information **regarding Baljinder Singh, Forest Guard in three points**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **15.3.2021** and Second Appeal was filed in the Commission on **19.5.2021** under Section 19 of the Right to Information Act, 2005. The case was last heard on **5.4.2022**.

2. Both parties are present. At the last hearing on 5.4.2022, the respondent PIO submitted a copy of a statement signed by the appellant, wherein he purportedly states that he has received the requested information and no longer wishes to pursue this case. This Commission notes with concern that the appellant also stated that he “will no longer file any RTI application” against the concerned Public Authority. The Commission takes a very serious view of the above and deems it fit to issue this Show Cause Notice to the Respondent PIO.

3. The respondent **PIO-cum-DFO, IFS, Sangrur, Monika Devi Yadav**, is herewith ordered to **SHOW CAUSE** as to why a penalty should not be imposed upon him under Section 20 (1) of RTI Act, 2005, for causing willful delay/denial of the information requested by the appellant as far back as on **11.1.2021**.

“In addition to the written reply, the respondent PIO is also given an opportunity under Section 20 (1) provision there to, 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 personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him *ex parte*.” Copies of this order be sent to the parties through registered post.

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PUNJAB STATE INFORMATION COMMISSION

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Appeal Case No. 2392 of 2021 (Video Conference Proceedings)

4. The Commission takes a very serious view of the respondent PIO's apparent attempt to mislead the Commission. The respondent PIO is further directed to submit pointwise reply to the RTI application along with information. For information regarding which, the PIO seeks exemption from the disclosure, he/she must cite specific provisions of the RTI Act, 2005. This must be done within 15 days of receipt of this Order.

5. IMPORTANT! All documents / information supplied to appellants / complainants must mandatorily be attested as under:

Information supplied under the RTI Act, 2005

Signature of the PIO

Name of the PIO

Name of the Public Authority

Date

6. **Next hearing on 9.8.2022 at 11.30 am via Video Conference Facility at DC Office, Sangrur.**

Sd-

(ASIT JOLLY)

State Information Commissioner, Punjab.

Chandigarh

9.6.2022

Cc: Conservator of Forests,
South Circle,
Patiala, for information and further necessary action.

PUNJAB STATE INFORMATION COMMISSION

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Rajinder Kumar Sharma,
VPO Raisar,
Barnala-148101.

Versus

Public Information officer,
o/o Divisional Forest Officer,
Sangrur.

First Appellate Authority,
o/o Conservator of Forests,
South Circle,
Patiala.

Appeal Case No. 5536 of 2021 (Video Conference Proceedings)

PRESENT:

Rajinder Kumar Sharma (Appellant) 94635-12563
Karamjit Kaur, Superintendent (for the Respondent) 98147-09045

ORDER:

1. The RTI application is dated **12.7.2021** vide which the appellant has sought information **regarding Forest Officer, Manjinder Kaur**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **21.9.2021** and Second Appeal was filed in the Commission on **7.12.2021** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **9.6.2022**.

2. Both parties are present. The Commission has examined the RTI application and is of the view that some of the information is requested perusal unrealistic. The respondent PIO has replied to the appellant vide Letter No. 226 Dated 22.7.2021, wherein she has demanded unrealistic copying costs of Rs. 33,172/- and postal charges Rs. 2,000/- without specifying any details.

3. The respondent PIO is herewith directed to submit a fresh, pointwise reply after carefully examine the RTI application and seeking legal opinion if necessary.

4. **Next hearing on 9.8.2022 at 11.30 am via Video Conference Facility at DC Office, Sangrur.**

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

Chandigarh
9.6.2022

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Deepak Goyal,
S/o Sh. Ashok Kumar,
43, Bank Street, New Basti,
Nabha, Patiala.

Versus

Public Information Officer,
o/o District Manager,
Punjab State Warehousing Corporation,
Sangrur.

First Appellate Authority,
o/o Punjab State Warehousing Corporation,
SCO-74-75, Bank Square,
Sector 17 B, Chandigarh.

Appeal Case No. 1351 of 2022 (Video Conference Proceedings)

PRESENT:

Shivam Goyal (for the Appellant) 96538-22888
Pushpinder Singh, Draftsman (for the Respondent) 78144-07000

ORDER:

1. The RTI application is dated **4.1.2022** vide which the appellant has sought information **regarding Ashoka Rice Mill, Bhawanigarh**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **24.1.2022** and Second Appeal was filed in the Commission on **16.3.2022** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **9.6.2022**.
2. Both parties are present. The appellant is represented by Shivam Goyal, who is present in person. As per the reply sent by the respondent PIO vide Letter No. 5968/2022 Dated 10.1.2022, the requested information was denied as per Section 8(1)(h) of the RTI Act 2005.
3. The Commission notes that the Section 8(1)(h) has been randomly invoked without giving any details of ongoing investigation/prosecution pertaining to said information. The Commission also notes that the FAA's Order of 24.1.2022 also upheld PIO's decision to deny the information as per Section 8(1)(h) of the RTI Act 2005. The Commission is of the considered view that no blanket exemption can be claimed under Section 8(1)(h), as has been done by the PIO and upheld by the FAA. The respondent PIO's decision as well as FAA's decision is hereby rejected.
4. The respondent PIO is directed to submit a written, pointwise reply along with duly attested copies of information sought at each point. For information where the respondent PIO wishes to claim to exemption from disclosure he/she must cite specific provisions of the RTI Act 2005, along with supporting documents etc..

Contd....2

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



Appeal Case No. 1351 of 2022 (Video Conference Proceedings)

5. The respondent PIO is further directed to submit details of the investigation/prosecution pertaining to the information requested in this RTI application. This must be done within 15 days of receipt of this Order. The appellant is requested to inform the Commission in case he does not receive the reply as per this Order.

6. IMPORTANT! All documents / information supplied to appellants / complainants must mandatorily be attested as under:

Information supplied under the RTI Act, 2005

Signature of the PIO

Name of the PIO

Name of the Public Authority

Date

7. Next hearing on 20.7.2022 at 11.30 am via Video Conference Facility at DC Office, Sangrur.

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

Chandigarh
9.6.2022

PUNJAB STATE INFORMATION COMMISSION

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Deepak Goyal,
S/o Sh. Ashok Kumar,
43, Bank Street, New Basti,
Nabha, Patiala.

Versus

Public Information Officer,
o/o District Manager,
Punjab State Warehousing Corporation,
Sangrur.
First Appellate Authority,
o/o Punjab State Warehousing Corporation,
SCO-74-75, Bank Square,
Sector 17 B, Chandigarh.

Appeal Case No. 1352 of 2022 (Video Conference Proceedings)

PRESENT:

Shivam Goyal (for the Appellant) 96538-22888
Pushpinder Singh, Draftsman (for the Respondent) 78144-07000

ORDER:

1. The RTI application is dated **4.1.2022** vide which the appellant has sought information **regarding Basiark Rice Mill, Vill. Bijalpur, Bawhanigarh,** as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **24.1.2022** and Second Appeal was filed in the Commission on **16.3.2022** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **9.6.2022**.
2. Both parties are present. The appellant is represented by Shivam Goyal, who is present in person. As per the reply sent by the respondent PIO vide Letter No. 5967/2022 Dated 10.1.2022, the requested information was denied as per Section 8(1)(h) of the RTI Act, 2005.
3. The Commission notes that the Section 8(1)(h) has been randomly invoked without giving any details of ongoing investigation/prosecution pertaining to said information. The Commission also notes that the FAA's Order of 24.1.2022 also upheld PIO's decision to deny the information under Section 8(1)(h). The Commission is of the considered view that no blanket exemption can be claimed under Section 8(1)(h) of the RTI Act 2005, as has been done by the PIO and upheld by the FAA. The respondent PIO's decision as well as FAA's decision is hereby rejected.
4. The respondent PIO is directed to submit a written, pointwise reply along with duly attested copies of information at each point. For information where the respondent PIO wishes to claim to exemption from disclosure he/she must cite specific provisions of the RTI Act 2005.

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Appeal Case No. 1352 of 2022 (Video Conference Proceedings)

5. The respondent PIO is further directed to submit details of investigation/prosecution that is ongoing regarding the information requested in this RTI application. This must be done within 15 days of receipt of this Order. The appellant is requested to inform the Commission in case he does not receive the reply as per this Order.

6. IMPORTANT! All documents / information supplied to appellants / complainants must mandatorily be attested as under:

Information supplied under the RTI Act, 2005

Signature of the PIO

Name of the PIO

Name of the Public Authority

Date

7. Next hearing on 20.7.2022 at 11.30 am via Video Conference Facility at DC Office, Sangrur.

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

Chandigarh
9.6.2022