

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

Harminder Arora,
S/o Sh. Inderjit,
1220/16, Near Patwar Khana,
Mahila Singh, Moga.

Versus

Public Information Officer,
o/o ATP, Municipal Corporation,
Moga.

Public Information Officer,
o/o Commissioner, Municipal Corporation,
Moga.

First Appellate Authority,
Commissioner, Municipal Corporation,
Moga.

Appeal Case No. 2962 of 2021 (Video Conference Proceedings)

PRESENT:

Harminder Arora (Appellant) 97813-36328

Dalip Soni, Building Inspector (for the Respondent) 98883-78693

ORDER:

(To be read in continuity with earlier orders on 7.9.2021, 23.11.2021, and 12.4.2022)

1. The RTI application is dated **8.10.2020** vide which the appellant has sought information **regarding a street in Vedant Nagar in 15 points**, as enumerated in his RTI applications. First Appeal was filed with the First Appellate Authority (FAA) on **7.12.2020** and Second Appeal was filed in the Commission on **29.6.2021** under Section 19 of the Right to Information Act, 2005. The case was last heard on **12.4.2022**.

2. Both parties are present. At the last hearing on 12.4.2022, the respondent PIO was directed to submit a written pointwise reply to the RTI application along with all the requested information after duly attesting each page as per the format stipulated by the Commission. The respondent PIO-cum-ATP, MC Moga, has failed to comply. The Commission deems it fit to issue him with this Show Cause Notice.

3. The respondent **PIO-cum-ATP, MC, Moga**, 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 **8.10.2020**.

“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

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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.

4. The respondent PIO-cum-ATP, is further directed to comply with para no. 3 of this Commission's Order of 12.4.2022 within 15 days. Failure to do so will invite penal action as per the provisions of the RTI Act 2005. The Commission further directs the respondent PIO-cum-ATP and his representative at today's hearing Dalip Soni, Building Inspector, to submit a reply to this Show Cause Notice along with written reply to the RTI application and attested copies of the information, **IN PERSON** to the Commission on 30.9.2022.

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 9.11.2022 at 11.30 am via Video Conference Facility at DC Office, Moga.**

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

Chandigarh
9.9.2022

Cc: Commissioner, MC, Moga, for information and necessary action.

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Ravinder Singh Gill,
986, Near Dev Hotel, Main Bazar,
Moga-142001.

Versus

Public Information Officer,
o/o Senior Superintendent of Police,
Moga.

Complaint Case No. 386 of 2022 (Video Conference Proceedings)

PRESENT:

(Complainant) Absent

ASI, Charanjit Singh (for the Respondent) 97800-01275

ORDER:

1. The complainant, **Ravinder Singh Gill**, filed this RTI application dated **30.4.2022** and sought information **regarding visit to Gurdwara Sh. Kartarpur Sahib, Pakistan**, from the PIO o/o **Senior Superintendent of Police, Moga**. When no information was received, the Complainant filed a complaint under Section 18 of the RTI Act, 2005 to the Commission on **9.9.2022**. Notice was issued to the parties for first hearing in the Commission on **9.9.2022**.

2. The complainant is absent but has made a detailed written submission vide his letter dated 2.9.2022. The respondent PIO, represented by ASI, Charanjit Singh, has submitted a reply to this Commission's Notice of Hearing vide Letter No. 37 Dated 29.8.2022, along with a print out of the recommendation for travel pertaining to Smt. Jasbir Kaur. However, in his letter, the complainant has sought direction to the respondent PIO to provide the address of the concerned office/authority where from the exact nature of the objection pertaining to Jasbir Kaur's application could be determined. As per the respondent PIO, there was no physical address pertaining to the application for travel to Gurdwara Shri Kartarpur Sahib and the relevant Email address and Helpline, pertaining to the same, has already been intimated to the complainant.

3. This is a Complaint Case wherein the Commission is not mandated to ensure that information is provided to the complainant. The only mandate as per the provisions of the RTI Act 2005, is for the Commission to determine whether there was any malafide intent in delaying/denying the information. The Commission directs the respondent PIO-cum-SSP, Moga, to submit a copy of the documents sent to the concerned SHO regarding Smt. Jasbir Kaur's verification and the reply received from the said SHO in the office of the SSP, Moga. This must be submitted in a sealed cover, to the Commission before the next hearing.

4. **Next hearing on 9.11.2022 at 11.30 am via Video Conference Facility at DC Office, Moga.**

Sd/-
(ASIT JOLLY)
State Information Commissioner, Punjab.
Chandigarh
9.9.2022

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REGISTERED SHOW CAUSE NOTICE

Suresh Sood,
S/o Sh. Dev Dutt Sood,
329, Street Soodan,
Mohalla Sodhian, Moga.

Versus

Public Information officer,
o/o Commissioner, Municipal Corporation,
Moga.
First Appellate Authority,
Commissioner, Municipal Corporation,
Moga.

Appeal Case No. 335 of 2022 (Video Conference Proceedings)

PRESENT:

Suresh Sood (Appellant) 94171-27482
(Respondent) Absent

ORDER:

(To be read in continuity with earlier orders on **12.4.2022**)

1. The RTI application is dated **21.9.2021** vide which the appellant has sought information **regarding the complete movement of the file pertaining to the Department of Local Government letter No. 53-3SS-MSS-2019/1319 dated 25.2.2020 to the Commissioner Municipal Corporation Moga etc.,** as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **22.10.2021** and Second Appeal was filed in the Commission on **7.1.2022** under Section 19 of the Right to Information Act 2005. The case was last heard on **12.4.2022**.

2. The respondent PIO is absent without intimation. At the last hearing on 12.4.2022, Show Cause Notice was issued incorrectly to the PIO-cum-Chief Sanitary Inspector, MC, Moga. This RTI application was submitted to the PIO, office of Commissioner, MC, Moga. The Commission deems it fit to reissue the Show Cause Notice to the PIO, office of Commissioner, MC, Moga.

3. The respondent **PIO office of Commissioner, MC, Moga,** 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 **21.9.2021**.

“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. 335 of 2022 (Video Conference Proceedings)

4. 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

5. **Next hearing on 16.11.2022 at 11.30 am via Video Conference Facility at DC Office, Moga.**

Sd/-

(ASIT JOLLY)

State Information Commissioner, Punjab.

Chandigarh

9.9.2022

Cc: Commissioner, MC, Moga, for information and necessary action.