**PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**

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Sh. Kulwinder Singh

S/o Sh. Jagdev Singh,

R/o Ward No.3, Khamanon

Distt. Fatehgarh Sahib. Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Nagar Panchayat, Khamanon,

Distt. Fatehgarh Sahib

.

First Appellate Authority

O/o Regional Deputy Director,

Urban Local Bodies, Punjab,

Ludhiana. Respondents

**APPEAL CASE NO.750/2018**

Date of RTI application : 28.10.2017

Date of First Appeal : 29.12.2017

Date of Order of FAA : Reply 06.11.2017

Date of 2nd Appeal/complaint : 22.02.2018

**Present: Adv. Dinesh Sharma, Counsel for the Appellant.**

**Adv. G.S.Sidhu, Counsel for the Respondents.**

**ORDER**

The appellant has sought a wide and varied information about the various activities of the Nagar Panchayat, Khamanon. The respondents have filed a written reply maintaining that information has since been supplied to him and it is being repeatedly asked for.

Having discussed the matter in detail with the parties it boils down to the fact that the appellant shall be satisfied in case he is provided with the copies of contract executed by them for solid waste management in the town with the contractor from the year 2012-2017 onwards. The respondents say that it is quite a voluminous document. Arranging to supply its copies shall significantly divert their resources. The Commission agrees partially with their contention. They are directed to provide him a copy of agreement with their written statement that the terms and conditions for all the following years remain the same. If there had been any significant change it shall be pointed out in their reply.

The matter shall be reheard on **24.07.2018 at 11.30 AM.**

**Sd/-**

**03.07.2018** **(Yashvir Mahajan)**

**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Mukesh K. Sharma, Advocate,

#258, MDC, Sector 4, Panchkula. Appellant

Versus

Public Information Officer,

O/o Police Station, Zirakpur,

Distt. S.A.S Nagar.

First Appellate Authority,

O/o Police Station, Zirakpur,

Distt. S.A.S Nagar Respondents

**Appeal Case No.1148/2018**

Date of RTI application: 02.01.2018

Date of First Appeal : 07.02.2018

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint: 02.04.2018

**Present: None.**

**ORDER**

None is present on behalf of the Parties.

The matter shall be heard on **24.07.2018 at 11.30 AM.**

**Sd/-**

**(Yashvir Mahajan)**

**03.07.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Inderjeet Singh, Advocate

R/o Sunder Nagar, St.No.3,1st Crossing

Hanumangarh Road, Abohar.

Distt. Fazilka.

Sh. Vishal Singh Chauhan, Advocate,

H.No.127, Sector 10 – A, Chandigarh. Appellants

Versus

Public Information Officer,

O/o Special Secretary to Govt. of Punjab,

Department of Home Affairs & Justice,

Punjab Civil Sectt.- 1, Chandigarh

Public Information Officer,

O/o Judicial - 1 Branch,

Department of Home Affairs and Justice, Govt. of Punjab,

Punjab Civil Sectt. – 1, Chandigarh.

First Appellate Authority

O/o Secretary to Govt. of Punjab

Department of Home Affairs & Justice,

Punjab Civil Sectt.-1, Chandigarh. Respondents

**APPEAL CASE NOs. 2559/2017, 938 and 939 of 2018**

Date of RTI application : 03.07.2017/30.08.2017/17.07.2017

Date of First Appeal : 03.08.2027/27.10.2017/31.08.2017

Date of Order of FAA : 06.09.2017/12.01.2018Reply27.09.2017/04.08.2017

Date of 2nd Appeal/complaint :11.09.2017/12.03.2018/06.03.2018

**Present:** Adv. Inderjeet Singh, Appellant in person.

Adv. Saurav Dhir, Counsel for Sh. Vsihal Singh Chauhan, Appellant.

Sh. P. S. Bajwa, Additional Advocate General, Punjab – for Respondents.

**ORDER**

As the respondents are the same and the issues involved, by and large, are identical these appeals shall be decided with a common order.

Having heard the issue it transpires that mandatory requirement of Section 19(4) of the RTI Act has not been met with. The Commission understands that its non-compliance shall vitiate the proceedings. To pass a valid order it shall be in the fitness of things to afford hearing to the third party concerned. The PIO is directed to inform the individuals to whom information relates well in advance as per requirement under Section 19(4) of the Act to present their cause if any. Contd…page…2

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**APPEAL CASE NOs. 2559/2017, 938 and 939 of 2018**

Meanwhile, the appellant in appeal case No.938 and 939 of 2018 may file a rejoinder to the submissions made by the respondents which have been handed over to him on spot.

To come up for **argument on** **07.08.2018 at 11.30 AM.**

**Sd/-**

**(Yashvir Mahajan)**

**03.07.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Sandeep Khattri,

R/o # 130/B6, Gulmohar City, Dera Bassi

Distt. S.A.S.Nagar Appellant

Versus

Public Information Officer,

O/o Municipal Council,

Zirakpur, Distt. S.A.S. Nagar

First Appellate Authority

O/o Deputy Director,

Local Govt. Mini Sectt.,

Patiala. Respondents

**APPEAL CASE NOs.2, 4 and 5 of 2018**

Date of RTI application : 24.08.2017/04.09.2017/06.09.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 19.12.2017/21.12.2017

**Present: Sh. Sandeep Khattri, Appellant in person.**

**Adv. Gulshan Mehta, Counsel for the 3rd Parties – M/s Hotel Ramada, Maya Garden Magnesia and Tulip Heights, VIP Road, Zirakpur.**

1. **Sh. Manvir Singh, EO, and**
2. **Sh. Sukhwinder Singh, SDO, M.C., Zirakpur – for Respondents.**

**ORDER**

The following order was made by this forum on 24.05.2018:

*“The appellant had sought the information concerning the site plan of Hotel Ramada situated on Zirakpur – Chandigarh road along with the concomitant documents relating to its approval given by the Local Bodies Department.*

*The respondents cite a ‘third party’ information to deny him the same. The appellant expresses his apprehensions about the encroachments of a public land besides diversion in execution of the works from the approved building plan. The Commission is of the view that it is*

Contd. Page 2

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**APPEAL CASE NOs.2,4 and 5 of 2018**

*incorrect to invoke the provisions under Section 11 of the Act in the instant case as the property is being used for commercial purposes and its alleged deviation from the approved building bye-laws is*

*a matter of public interest as well. Overruling the plea taken by the respondents the Commission*

*directs the respondents to allow him the inspection of the relevant record. For doing so the respondents shall specifically send him a written memo fixing the date and time for the inspection of the record and provide him the certified copies of the documents thus identified by him free of cost but not beyond fifty pages.”*

*“The respondents have failed to comply with the order as much as in conveying the specific date and time to the appellant for inspection of the record. The Commission takes a serious note of it. A final opportunity is afforded to them to do the needful in letter and spirit without further loss of time. It need not be underlined that the respondents have already defaulted in timely providing the information and have rendered themselves liable for penal consequences.”*

*“The case has again come up today. Despite the serious observations as made up above, no tangible action has been taken by the respondents. The PIO seems a hard nut to crack and renders himself liable for penal consequences. He is hereby issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay/denial of the information to the RTI applicant and why the compensation be not awarded to the appellant under Section 19 (8) (b) of the Act for the detriment suffered by him and why his appointing authority should not be directed to take disciplinary action against him.*

*Contd…. Page 3*

*-3-*

***APPEAL CASE NOs. 2, 4 and 5 of 2018***

*In addition to the written reply, the PIO 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 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.”*

The case has come up today. Adv. Gulshan Mehta, counsel for the 3rd Parties has put up his presence to represent the third parties with regard to whom the information has been sought. He has filed a written statement in terms of exercise of his right under Section 19(4) of the Act. A copy of the pleadings submitted by him has been handed over on spot to the appellant. The appellant may like to file a replication if he desires so. Meanwhile, the PIO who was issued a show cause notice should also file a written reply so that the things can be taken to logical ends. To come up on **09.08.2018 at 11.30 AM.**

**Sd/-**

**(Yashvir Mahajan)**

**03.07.2018 State Information Commissioner**

**CC: Sh. Gulshan Mehta, Advocate, # 58, Green Enclave, Zirakpur, Distt. Mohali.**

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Sh. Sandeep Khattri,

R/o # 130/B6, Gulmohar City, Dera Bassi

Distt. S.A.S.Nagar Appellant

Versus

Public Information Officer,

O/o Municipal Council,

Zirakpur, Distt. S.A.S. Nagar

First Appellate Authority

O/o Deputy Director,

Local Govt. Mini Sectt.,

Patiala. Respondents

**APPEAL CASE NO.3 of 2018**

Date of RTI application : 04.09.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : Nil/22.12.2017

**Present: Sh. Sandeep Khattri, Appellant in person.**

1. **Sh. Manvir Singh, EO, and**
2. **Sh. Sukhwinder Singh, SDO, M.C., Zirakpur – for Respondents.**

**ORDER**

Vide an order passed on 03.04.2018 the respondents were directed to allow him inspection of the record and provide the certified copies of the documents identified by him. The respondents say that as the third Party has maintained a stance of not parting with the information seeking an exemption under Section 8 (1) (j) of the Act they have not dispensed it so far. In similar appeals the counsel for the third parties has pointed out the legal obligation of the Commission under Section 19(4) of the RTI Act to afford them a reasonable opportunity of being heard. The Commission feels that the violation of the aforesaid provision shall vitiate its orders. Before a final call is taken, the PIO is desired to send a notice to the third party to present their cause if any with reference to the application to the Commission before the next date of hearing which shall be held on **09.08.2018 at 11.30 AM.**

**Sd/- (Yashvir Mahajan)**

**03.07.2018 State Information Commissioner**

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Sh. Sandeep Khattri,

R/o # 130/B6, Gulmohar City, Dera Bassi

Distt. S.A.S.Nagar Appellant

Versus

Public Information Officer,

O/o Municipal Council,

Zirakpur, Distt. S.A.S. Nagar

First Appellate Authority

O/o Deputy Director,

Local Govt. Mini Sectt.,

Patiala. Respondents

**APPEAL CASE NO.42 of 2018**

Date of RTI application : 04.09.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : Nil/22.12.2017

**Present: Sh. Sandeep Khattri, Appellant in person.**

1. **Sh. Manvir Singh, EO, and**
2. **Sh. Sukhwinder Singh, SDO, M.C., Zirakpur – for Respondents.**

**ORDER**

Vide an order passed on 03.04.2018 the respondents were directed to allow him inspection of the record and provide the certified copies of the documents identified by him. The respondents say that as the third Party has maintained a stance of not parting with the information seeking an exemption under Section 8 (1) (j) of the Act they have not dispensed it so far. In similar appeals the counsel for the third parties has pointed out the legal obligation of the Commission under Section 19(4) of the RTI Act to afford them a reasonable opportunity of being heard. The Commission feels that the violation of the aforesaid provision shall vitiate its orders. Before a final call is taken, the PIO is desired to send a notice to the third party to present their cause if any with reference to the application to the Commission before the next date of hearing which shall be held on **09.08.2018 at 11.30 AM.**

**Sd/-**

**(Yashvir Mahajan)**

**03.07.2018 State Information Commissioner**

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Sh. Sandeep Khattri,

R/o # 130/B6, Gulmohar City, Dera Bassi

Distt. S.A.S.Nagar Appellant

Versus

Public Information Officer,

O/o Municipal Council,

Zirakpur, Distt. S.A.S. Nagar

First Appellate Authority

O/o Deputy Director,

Local Govt. Mini Sectt.,

Patiala. Respondents

**APPEAL CASE NO.43 of 2018**

Date of RTI application : 24.08.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : Nil/22.12.2017

**Present: Sh. Sandeep Khattri, Appellant in person.**

1. **Sh. Manvir Singh, EO, and**
2. **Sh. Sukhwinder Singh, SDO, M.C., Zirakpur – for Respondents.**

**ORDER**

Vide an order passed on 03.04.2018 the respondents were directed to allow him inspection of the record and provide the certified copies of the documents identified by him. The respondents say that as the third Party has maintained a stance of not parting with the information seeking an exemption under Section 8 (1) (j) of the Act they have not dispensed it so far. In similar appeals the counsel for the third parties has pointed out the legal obligation of the Commission under Section 19(4) of the RTI Act to afford them a reasonable opportunity of being heard. The Commission feels that the violation of the aforesaid provision shall vitiate its orders. Before a final call is taken, the PIO is desired to send a notice to the third party to present their cause if any with reference to the application to the Commission before the next date of hearing which shall be held on **09.08.2018 at 11.30 AM.**

**Sd/- (Yashvir Mahajan)**

**03.07.2018 State Information Commissioner**

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Sh. Sandeep Khattri,

R/o # 130/B6, Gulmohar City, Dera Bassi

Distt. S.A.S.Nagar Appellant

Versus

Public Information Officer,

O/o Municipal Council,

Zirakpur, Distt. S.A.S. Nagar

First Appellate Authority

O/o Deputy Director,

Local Govt. Mini Sectt.,

Patiala. Respondents

**APPEAL CASE NO.44 of 2018**

Date of RTI application : 13.09.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : Nil/22.12.2017

**Present: Sh. Sandeep Khattri, Appellant in person.**

1. **Sh. Manvir Singh, EO, and**
2. **Sh. Sukhwinder Singh, SDO, M.C., Zirakpur – for Respondents.**

**ORDER**

Vide an order passed on 03.04.2018 the respondents were directed to allow him inspection of the record and provide the certified copies of the documents identified by him. The respondents say that as the third Party has maintained a stance of not parting with the information seeking an exemption under Section 8 (1) (j) of the Act they have not dispensed it so far. In similar appeals the counsel for the third parties has pointed out the legal obligation of the Commission under Section 19(4) of the RTI Act to afford them a reasonable opportunity of being heard. The Commission feels that the violation of the aforesaid provision shall vitiate its orders. Before a final call is taken, the PIO is desired to send a notice to the third party to present their cause if any with reference to the application to the Commission before the next date of hearing which shall be held on **09.08.2018 at 11.30 AM.**

**Sd/- (Yashvir Mahajan)**

**03.07.2018 State Information Commissioner**