

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email: -psicsic30@punjabmail.gov.in
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Smt Balwinder Kaur,
H No-130, Phase-4, Mohali.

... Complainant

Versus

Public Information Officer,
O/o Addl, SE, PSPCL,
Morinda Division, Kharar.

...Respondent

Complaint Case No. 79 of 2019

PRESENT: Sh.Sukhdeep Singh husband of Smt.Balwinder Kaur for the Complainant
None for the Respondent

ORDER:

The case was last heard on **07.05.2019**. The complainant was present who pleaded that the PIO has not provided the information and informed that the ledger stands destroyed by the termites. The respondent was absent. The Commission did not accept the reply of the PIO that the record has been eaten by the termites unless corroborated by an enquiry. The PIO was directed to file full reply whether any enquiry has been conducted in the matter which establishes that the record is missing or destroyed. Alternatively, the PIO was directed to ascertain, if this information is available through any other source, it be provided. The PIO was further directed to submit complete enquiry report and be present on the next date of hearing.

Hearing dated 03.07.2019:

The appellant claims that the PIO has not provided the information. The respondent is absent on 2nd consecutive hearing nor has sent any communication regarding the enquiry if any conducted for missing record. The Commission has taken a serious view of this and hereby directed the PIO to show **cause why penalty be not imposed on the PIO under section 20 of the RTI Act for not supplying the information within the statutorily prescribed period of time**, He/She should file an affidavit in this regard, if there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission alongwith the written replies.

The PIO is again directed to provide the information to the appellant within 15 days as per earlier order which still stands.

The case is adjourned. To come up for further hearing on **13.08.2019 at 11.00 AM**.

Sd/-

Chandigarh
Dated 03.07.2019

(Khushwant Singh)
State Information Commissioner



Sh Harbhajan Lal, S/o Sh Punnu Ram,
Village Turka Wali, P.O Fazilka,
Tehsil & Distt Fazilka.

... Complainant

Versus

Public Information Officer,
O/o EO, Nagar Council,
Fazilka.

...Respondent

Complaint Case No. 86 of 2019

PRESENT: None for the Complainant
None for the Respondent

ORDER:

The case was last heard on **07.05.2019**. Since both the parties were absent, the case was adjourned.

Hearing dated 03.07.2019:

The case has come up for hearing today. The respondent is absent. The complainant through RTI application dated 27.11.2018 has sought information regarding approval for construction of 4th floor on property No.4117 new number 8/1019 Bikeneri Zone Gali Fazilka alongwith map and other information concerning the office of EO Nagar Council Fazilka. The complainant was not provided the information after which the complainant filed complaint in the Commission on 21.01.2019.

The Commission has received a letter diary No.10770 on 31.05.2019 from the PIO stating that the information has been provided to the appellant vide letter dated 21.12.2018 and again on 02.05.2019 and a copy of the same is submitted to the Commission.

The appellant is absent and has not pointed out any discrepancies in the information provided. It is presumed that the appellant has received the information and is satisfied.

No further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated 03.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Ashmani Kumar, S /o sh mansa Ram,
Plot No-7-8-9-10, Sector-25-D,
Chandigarh.

... Complainant

Versus

Public Information Officer,
O/o GMADA,
Mohali.

...Respondent

Complaint Case No. 87 of 2019

PRESENT: Sh.Ashmani Kumar as the Complainant
Sh.Gulshan Kumar, PIO, GMADA for the Respondent

ORDER:

The case was last heard on 07.05.2019. The respondent present pleaded that the information has been provided to the complainant vide letter dated 22.04.2019 on points 1 to 4 by the APIO-LAC, PUDA and information regarding point-5 has been provided vide letter dated 29.04.2019 by the PIO-GMADA and a copy of the same is submitted to the Commission.

Having gone through the file, the Commission observed that there has been an enormous delay in providing the information and the decision taken by the PIO that the information is in question form, appears to be mere tactics to delay the information. The PIO was issued a show cause notice and the PIO was directed to file reply on an affidavit. If there are other persons responsible for the delay in providing the information, the PIO was directed to inform such persons of the show cause and direct them to appear before the Commission alongwith the written replies.

Hearing dated 03.07.2019:

The respondent present pleaded that the available information has been provided to the appellant. The appellant claims that the PIO has not provided the information regarding details of trees and compensation provided in lieu of those trees. The respondent pleaded that since the information is voluminous and is not readily available; it has to be created and will divert the resources.

Hearing both the parties, it was concluded that the PIO to provide assessment reports of the trees sent by the Forest and Horticulture department from the year 2014 onwards. If the information is in paper form, requisite fee be raised as per the RTI Act or it be provided via email/CD.

The Commission has also received an affidavit from the PIO vide letter diary No.11688 on 18.06.2019 which is taken on the file of the Commission.

The case is adjourned. To come up for further hearing on **13.08.2019 at 11.00AM.**

Chandigarh
Dated 03.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Paramjit Singh, S/o Sh Ishwar Singh,
Ward No-15, Mohalla Koko Majri,
Near Rose Garden, Sunam, Distt Sangrur.

... Appellant

Versus

Public Information Officer,
O/o Deputy Chief Engineer,
Distribution Division, PSPCL,
Bathinda.

First Appellate Authority,
O/o Chief Engineer, (West Zone),
PSPCL, Bathinda.

...Respondent

Appeal Case No. 398 of 2019

PRESENT: Sh.Paramjit Singh as the Appellant
None for the Respondent

ORDER:

The case was last heard on **07.05.2019**. The respondent present pleaded that the record is missing and they have already filed DDR on 13.11.2018. The Commission does not accept this reply of the PIO that the record is missing until an enquiry is conducted and established that the record is missing. The PIO was directed to conduct an enquiry into the matter which establishes that the record is missing, and fix the responsibility of the person under whose custody the record went missing. The PIO was directed to provide a copy of enquiry report and a copy of DDR to the appellant.

Hearing dated 03.07.2019:

The appellant is present and claims that the PIO has not provided the information.

The respondent Sh.Hemant Kumar, AEE-Nathani Sub Division, PSPCL appeared late and informed that they have started enquiry against the official under whose custody the record was missing. The respondent further informed that they have already sent reply to the appellant on an affidavit alongwith a copy of DDR vide letter dated 02.07.2019 and a copy of the same is submitted to the Commission. The respondent was directed to submit complete enquiry report which establishes that the record is missing and be present on the next date of hearing.

To come up for further hearing on **13.08.2019 at 11.00 AM.**

Chandigarh
Dated 03.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Daljeet Singh, C/o Guru Ram Das Laboratory,
Opposite Civil Hospital Gidderbaha,
Tehsil Gidderbaha, Distt Sri Mukatsar Sahib.

... Appellant

Versus

Public Information Officer,
O/o XEN, DS Division,
PSPCL, Thermal Colony,
Gate No-3, Bathinda.

First Appellate Authority,
O/o Chief Engineer,
PSPCL, West Zone, Bathinda.

...Respondent

Appeal Case No. 402 of 2019

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The case was last heard on **07.05.2019**. The order is reproduced hereunder:

“The appellant through RTI application dated 13.06.2018 has sought information regarding list of customers to whom the benefit of credit transfer amount using SAPT Code'FP40" bearing amount more than Rs.3000/- for the period from Jan.2015 for Sd Comm-1 and Comm-2 Bhatinda and the customers whose migration entry was reversed and other information concerning the office of XEN, DS Division, PSPCL, Thermal Colony, Gate No-3, Bathinda. The appellant was not satisfied with the reply of the PIO vide letter dated 10.07.2018 whereby the PIO asked the appellant to deposit requisite fee of Rs.3024/- for 1512 pages after which the appellant filed first appeal before the First Appellate Authority on 02.08.2018 which disposed off the appeal since the appellant did not appear before the appellate authority on the given date.

The respondent present pleaded that after receipt of requisite fee, the information has been provided to the appellant vide letter dated 20.08.2018. The respondent further stated that since the appellant was not satisfied with the information, the appellant was called in the office on 05.09.2018 and remaining information was provided to him. The appellant had acknowledged the receipt of the information.

The appellant is absent to point out the discrepancies, if any. The appellant is directed to be present on the next date of hearing and point out the discrepancies, if any.”

Hearing dated 03.07.2019:

The case has come up for hearing today. Both the parties are absent. The appellant vide letter received in the Commission on 02.07.2019 has informed that he does not want the information and his appeal case be closed.

Since the appellant does not want to pursue his case further, the case is **disposed off and closed.**

Chandigarh
Dated 03.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Nathu Ram. S/o Sh Mahavir Sihag,
Village Taja Patto, Tehsil Abohar, Distt Fazilka.

.... Appellant.

Versus

Public Information Officer,
O/o Chairman, PSPCL,
Patiala.

First Appellate Authority,
O/o Chief Engineer, (HRD),
PSPCL, Patiala.

...Respondent

Appeal Case No. 406 of 2019

PRESENT: None for the Appellant
Sh.Jatinder Dutt, Sr.Assistant (Secret Branc) PSPCL and Sh.Shalesh
Gupta, AAO, PSPCL Patiala for the Respondent

ORDER:

The case was last heard on **07.05.2019**. The respondent present pleaded that the information on points 4, 6 & 7 has been provided and the RTI application for the information regarding points 1,2,3 & 5 was sent to the PIO, Dy Chief Engineer, HRD PSPCL Patiala and Dy Chief Accounts officer who denied the information stating that the information is 3rd party and the 3rd party has not given his consent.

The appellant was absent. The appellant was directed to appear on the next date of hearing and plead his case.

Hearing dated 03.07.2019:

The appellant is absent and vide email has sought exemption. Having gone through the RTI application and the reply of the PIO, the following is concluded:

- Point-1 The PIO to provide copy of joining letter, qualification certificates and date of birth except service book.
Point-2 To provide place of posting
Point-3 To provide copy of promotion orders

The information be provided within 10 days.

With the above order, the case is **disposed off and closed**.

Sd/-

Chandigarh
Dated 03.07.2019

(Khushwant Singh)
State Information Commissioner



Sh Manjeet Singh,
H No-1435, Street No-6, Block-A,
Guru Nanak Colony, Gill Road,
Ludhiana.

.....Appellant.

Versus

Public Information Officer,
O/o XEN, PSPCL,
Unit-1, Ludhiana-3, Ludhiana.

First Appellate Authority,
O/o XEN, PSPCL, Unit-1-2443,
Sub Division-1, Ludhiana-3,
Ludhiana.

...Respondent

Appeal Case No. 407 of 2019

PRESENT: Sh.Manjit Singh as the Appellant
None for the Respondent

ORDER:

The case was last heard on **07.05.2019**. The appellant informed that the PIO has not provided the information. The respondent was absent. The PIO was directed to provide the information as per RTI application and explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act. The PIO was also directed to be present personally or through a representative on the next date of hearing.

Hearing dated 03.07.2019:

The appellant claims that the PIO has not provided the information.

The respondent Sh.Gurcharan Singh, AEE PSPCL Janta Nagar, Ludhiana appeared late and informed that they have already supplied the information to the appellant vide letter dated 13.12.2018 which the appellant has acknowledged having received the information on 17.01.2019. A copy of acknowledgement is submitted to the Commission.

To come up for further hearing on **13.08.2019 at 11.00 AM.**

Chandigarh
Dated 03.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Balwinder Singh,
VPO Nurpura, Tehsil Raikot,
Distt Ludhiana.

.....Appellant.

Versus

Public Information Officer,
O/o Addl, SE, Operational Division,
PSPCL, Adda Dakha, Distt Ludhiana.

First Appellate Authority,
O/o Chief Engineer, Central Zone,
PSPCL, Ludhiana.

...Respondent

Appeal Case No. 424 of 2019

PRESENT: None for the Appellant
Sh.Jasbir Singh, SDO PSPCL Dakha for the Respondent

ORDER:

The case was last heard on **07.05.2019**. The respondent present pleaded that the information has been provided to the appellant as per record. The appellant was not satisfied and wanted the rule under which the salary was deducted.

Having gone through the RTI application and the reply, the Commission observed that there has been a letter that the respondent says is missing. The Commission will not accept this plea that the letter is missing until an enquiry is conducted in the matter and established that the letter is missing. The PIO was directed to conduct an enquiry and submit enquiry report. Regarding point-2, the PIO was directed to provide a copy of rule which authorizes the Xen to stop the salary of an employee. Regarding point-3, the PIO was directed to clarify the reasons for not recording the deduction of salary in the service record of the employee.

Hearing dated 03.07.2019:

The respondent present pleaded that the information has been provided to the appellant again vide letter dated 01.07.2019. The respondent further pleaded that regarding point-1, no official letter was issued to the appellant and no such letter is available in the record. Regarding point-2, the respondent elaborated that there is no such order under which the Xen can stop the salary of an employee.

The Superintending Engineer, PSPCL is directed to look into the matter, if there is any rule where an Xen can stop the salary of an employee. And if there is no such rule, an enquiry be conducted that how an Xen can stop the salary of an employee through a mere noting, a copy of which has been supplied to the appellant.

With the above order, the case is **disposed off and closed**.

Chandigarh
Dated 03.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to Superintending Engineer, PSPCL, Ludhiana



Sh.Naresh Goel, S/o Sh Hans Raj,
501/62/1, Shastri Nagar, Street No-3,
Jagraon, Distt Ludhiana.

... Compliant

Versus

Public Information Officer,
Tehsildar, Village Gill,
Ludhiana.

...Respondent

Complaint Case No. 986 of 2018

Present: Sh.Naresh Goel as Complainant
None for the Respondent

Order:

This order should be considered in continuation to the earlier order.

Facts of the case-

- 1) That the complainant Sh.Naresh Goel had filed an RTI application on 02.07.2018 seeking information regarding demarcation of land applied through sewa kenre, Janta Nagar Ludhinaa vide acknowledgement No.02114669 dated 08,09,2017 & 01218540 dated 23.06.2017
- 2) That he was not provided the information within the stipulated time under section 7 of the RTI Act, after which he filed complaint in the Commission on 14.08.2018.
- 3) That the case came up for hearing before the Commission on 27.11.2018. On the date of the hearing the complainant informed that he has not received any communication from the PIO. The respondent was absent nor had sent any communication. The PIO was directed to explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act and be present on the next date of hearing personally or through a representative. The case was adjourned for 16.01.2019.
- 4) That on the next date of hearing (16.01.2019), the PIO was again absent nor sent any communication. The complainant was present and informed that no information was received. The respondent was given one more opportunity to provide the information to the appellant and be present on the next date of hearing failing which the Commission will be constrained to take action as per RTI Act.
- 5) That the case again came up for hearing on **13.03.2019**. The complainant claimed that the PIO has not provided the information. The respondent was absent on 3rd consecutive hearing and nor sent any communication. The PIO –Tehsildar, Village Gill(Ludhiana) was issued a show **cause why penalty be not imposed on the PIO under section 20 of the RTI Act for not supplying the information within the statutorily prescribed period of time**, He was directed to file an affidavit in this regard. If there are other persons responsible for the delay in providing the information, the PIO was directed to inform such persons of the show cause and direct them to appear before the Commission alongwith the written replies. The PIO was again directed to provide the information within 10 days.
- 6) That on the next date of hearing which was held on 14.05.2019, the complainant informed that no information has been provided. The respondent was aagain absent nor had sent any reply to the show cause notice. The PIO was given one last opportunity to comply with the earlier order of the Commission which still stands and be present on the next date of hearing alongwith the reply to the show cause notice on an affidavit.

Complaint Case No. 986 of 2018

The case has come up for hearing today. The PIO however in spite of the orders of the Commission to be personally present has not turned up nor has sent any reply to the show cause notice.

Order. Keeping the above facts of the case in mind, this is a fit case to invoke section 20 of the RTI Act and impose a penalty on the PIO. Section 20 reads as follows-

20.Penalties. – (1) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complain or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect , incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:

Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be give a reasonable opportunity of being heard before any penalty is imposed on him:

Provide further that the burden of proving that he acted reasonably and diligently shall be on the Central Information Officer, as the case may be.”

The onus and responsibility lies on the PIO to ensure the transmission of the complete information to the appellant. The PIO, Tehsildar, under whose jurisdiction, the Village Gill (Ludhiana) falls, is hereby held guilty for not providing the information on time as prescribed under section 7, which is within 30 days of the receipt of the request, and for repeated and willful defiance of the Punjab State Information Commission's orders.

A penalty of **Rs.15,000/-** is hereby imposed upon the PIO, Tehsildar, under whose jurisdiction the Village Gill (Ludhiana) falls, which be deposited in the Govt. Treasury.

Further, PIO, Tehsildar, Village Gill (Ludhiana) is directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury. The PIO is again directed to provide the information within 10 days and send a compliance report to the Commission.

A copy of the order is being sent to the Deputy Commissioner, Ludhiana to ascertain the PIO – Tehsildar, under whose jurisdiction Village Gill(Ludhiana) falls. To get the order served to the concerned PIO and to ensure compliance of this order, as well as ensure that the concerned PIO appears personally at the next date of hearing.

To come up for further hearing on **13.08.2019 at 11.00 AM.**

Sd/-

Chandigarh
Dated: 03.07.2019

(Khushwant Singh)
State Information Commissioner

CC to :PIO-Deputy Commissioner, Ludhiana



Sh.Naresh Goel, S/o Sh Hans Raj,
501/62/1, Shastri Nagar, Street No-3,
Jagraon, Distt Ludhiana

... Compliant

Versus

Public Information Officer,
O/o Taluka Inspector of Land Records,
Village Gill-2, Ludhiana.

...Respondent

Complaint Case No. 988 of 2018

Present: Sh.Naresh Goel as Complainant
None for the Respondent

Order: The case was first heard on **27.11.2018**. The respondent was absent. As per complainant, he had not received any information from the PIO. The PIO was directed to explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act and be present personally or through his representative on the next date of hearing.

The case was again heard on **16.01.2019**. The appellant informed that no information has been provided. The respondent was absent. The respondent was given one more opportunity to provide the information to the appellant and be present on the next date of hearing failing which the Commission will be constrained to take action as per RTI Act.

The case was again heard on **13.03.2019**. The appellant claimed that he has not received the information. The respondent was absent on 3rd consecutive hearing. The PIO- Taluka Inspector of Land Records, Village Gill-2, Ludhiana was issued a **show cause notice under Section 20 of the RTI Act** and directed to file reply on an affidavit. The PIO was again directed to provide the information to the appellant within 10 days.

The case was last heard on **14.05.2019**. The complainant informed that no information has been provided to him. The respondent was absent nor had sent any reply to the show cause notice. The PIO was granted one last opportunity to comply with the earlier order of the Commission which still stands and be present on the next date of hearing alongwith the reply to the show cause notice on an affidavit.

Hearing dated 03.07.2019:

The complainant claims that he has not received the information. The respondent is absent nor has sent any reply to the show cause notice issued on 13.03.2019. The PIO is given one more opportunity to comply with the earlier order of the Commission which still stands.

A copy of the order is being sent to the Deputy Commissioner, Ludhiana to ascertain that who is the PIO of Taluka Inspector of Land Records, Village Gill-2 Ludhiana and get the order served to the concerned PIO and further ensure compliance of this order as well as ensure that the concerned PIO to appear at the next date of hearing.

The case is adjourned. To come up for further hearing on **13.08.2019 at 11.00 AM.**

Chandigarh
Dated: 03.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to PIO-Deputy Commissioner, Patiala



Sh. Jasbir Singh, S/o Sh.Harbans Singh,
Jalal Kheri, P.O Sular, Tehsil&Distt Patiala.

... Appellant

Versus

Public Information Officer,
Chief Engineer, Enforcement,
PSPCL, Patiala.

First Appellate Authority,
Chief Engineer, Enforcement,
PSPCL, Patiala.

...Respondent

Appeal Case No. 2634 of 2018

Present: Sh.Manjit Singh, representative for the Appellant
Sh.Harjit Singh Gill, Dy. Chief Engineer, PSPCL and Sh.Balbir Singh,
Sr.Xen, PSPCL Khanna for the Respondent

ORDER:

The case was first heard on **30.10.2018**. Sh.Balbir Singh Sr.Xen PSPCL Khanna was present. The respondent present pleaded that the enquiry is still pending. The appellant sought action taken report on his complaint. The Commission recommended that the PIO Sh.Balbir Singh to complete the enquiry within 30 days and send the enquiry report to the appellant within 7 days of the completion of the enquiry. A copy be sent to the Chief Engineer, Enforcement, PSPCL Patiala for compliance of the orders of the Commission.

The case was again heard on **04.12.2018**. The appellant informed that he has not received the action taken report. The respondent was absent and has not sent any compliance of the orders of the Commission. The PIO was directed to provide the status report of the enquiry to the Commission within 7 days and be present on the next date of hearing with explanation for not complying with the orders of the Commission.

The case was further heard on **30.01.2019**. The appellant informed that the information has not been provided. The respondent was absent. The PIO was again directed to send status of the enquiry to the Commission within 7 days and be present on the next date of hearing. A copy of the order was also sent to the Chief Engineer, Enforcement, PSPCL, Patiala with the directions to ensure the presence of the respondent otherwise the Commission will be constrained to take action as per the RTI Act.

The case was last heard on **19.03.2019**: The appellant claimed that the information has not been provided despite order of the Commission. The respondent was absent on 3rd consecutive hearing and nor had sent status report of the enquiry. The PIO was issued a **show cause notice under Section 20 of the RTI Act 2005 and** directed to file reply on an affidavit. The PIO-Chief Engineer, Enforcement, PSPCL, Patiala was again directed to provide the information to the appellant within 10 days.

The case was last heard on **15.05.2019**. The respondent present pleaded that the enquiry was completed on 26.11.2018 and they sent the complete enquiry report alongwith related documents to the appellant vide letter dated 28.11.2018 and again on 26.04.2019. The respondent further informed that as per report of the postal authorities, the information had been delivered to the appellant on 19.12.2018 and again on 29.04.2019. The respondent has submitted a copy of the information which was also enclosed with the order for the appellant. Having gone through the information, the Commission found that the information has been provided to the best possible extent. The appellant is absent.

The respondent also submitted reply to the show cause notice which was taken on the file of the Commission.

Hearing dated 03.07.2019:

The representative appeared on behalf of the appellant claims that no information was found in the envelop received from the PIO. The respondent has again provided a copy of the enquiry report to the representative.

The information stands provided. No further course of action is required. The case is **disposed off and closed.**

Chandigarh
Dated: 03.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Tejinder Singh, R/o Village Bholapur,
P.O Ramgarh, Chandigarh Road,
Ludhiana.

...Appellant

Versus

Public Information Officer,
O/oExecutive Engineer, (Commercial),
PSPCL, Focal PointDivision,
Ludhiana.

First Appellate Authority,
O/oChief Engineer,
PSPCL, Ludhiana.

...Respondent

Appeal Case No. 3984 of 2018

Present: Sh.Tejinder Singh as Appellant
Sh.Manik Bhanot, AEE (C) PSPCL Focal Point, Ludhiana for the Respondent

ORDER: The case was first heard on **12.03.2019**. The appellant informed that the information has not been provided. The respondent was absent. The PIO is directed to provide the information as per RTI application to the appellant within 10 days and explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act.

The case was last heard on **14.05.2019**. The appellant informed that the PIO has not provided the information. The respondent was present and had not brought any information. The Commission observed that there has been an enormous delay of more than nine months in providing the information and the PIO was issued a **show cause notice under section 20 of the RTI and** directed to file reply on an affidavit. The PIO was again directed to provide the information to the appellant within a week

Hearing dated 03.07.2019:

The respondent present pleaded that no action has been taken till now since the letter of the GLADA, which was received by the department in the year 2017, did not have signature of the competent authority on all pages. The respondent stated that they have written twice to GLADA to authenticate the document and send it back for further action. The appellant has disputed this claim and stated that GLADA vide letter issued in the year 2017 and another letter dated 16.02.2018 had instructed the PSPCL to remove the encroachment.

I observe that the letters sent by GLADA are of the year 2017 & 2018, whereas the letters written by the PSPCL are in the month of May & June, 2019. Obviously, there appears to be a conspiracy to protect the violators and also to give a wishy-washy reply to the Commission. The Commission has taken a serious view of this and directs the Superintending Engineer, PSPCL to take immediate action on the letters of the GLADA and provide full enquiry report to the Commission as to why appropriate action was not taken in time. The respondent has also not responded to the show cause notice issued for not providing the information. The PIO is directed to appear personally on the next date of hearing with all the observations on an affidavit.

The case is adjourned. To come up for further hearing on **13.08.2019 at 11.00 AM.**

Sd/-

Chandigarh
Dated: 03.07.2019.

(Khushwant Singh)
State Information Commissioner

CC to Superintending Engineer, PSPCL, Ludhiana