**STATE INFORMATION COMMISSION, PUNJAB**

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

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Ms. Jagmeet Kaur,

Street No.9, K.K. Road, Guru Angad Dev Nagar,

Sri Muktsar Sahib. -152026 Appellant

Versus

Public Information Officer,

O/o District Revenue Officer,

S.A.S. Nagar

First Appellate Authority

O/o District Revenue Officer,

S.A.S.Nagar Respondents

 **APPEAL CASE NO.1639/2017**

Date of RTI application : 08.02.2017

Date of First Appeal : 16.03.2017

Date of Order of FAA : 12.04.2017

Date of 2nd Appeal/complaint :19.06.2017

**Present:** None on behalf of the Appellant.

 1. Sh. Paramvir Singh, Clerk, DC Office, Mohali,

 2. Sh. Gurpreet Singh, Jr. Assistant, Tehsil Office, Mohali – for Respondents.

**ORDER**

 The following order was passed by the Commission on 01.08.2017:

 *“The appellant is seeking details of the transactions having taken place between Preet Land Developers and their clients till 31.01.2017 and allied information. The respondents say that the information sought is very vague. They are not in a position to identify the information sought by him. They are asking him to provide the sale deed numbers and date enabling them to trace the information. The appellant says that such details are not available with him.*

 *What transpires is that, allegedly, the aforementioned Land Developer is denying the appellant the possession of the property sold to him. He is feeling cheated and intends to proceed against them. However, for want of appropriate information he says that he is stuck.*

 *Contd…page…2*

 *-2-*

***APPEAL CASE NO.1639/2017***

 *Section 7(9) of the RTI Act contains as under:-*

 *Section 7 (9) --- An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the Public authority or would be detrimental to the safety or preservation of the record in question.*

 *It mandates the Public Authority ordinarily to provide the information in the form it has been asked. The respondents in the Department of the District Collector, Mohali are advised to look for the information sought by him and assist him in procuring the information as the same is needed to him for a legitimate cause.*

 *Since the issue exclusively concerns the Deputy Commissioner office, the respondents in the office of the GMADA, Mohali are exempted from further appearance.”*

The case has been taken up today.

 Sh. Gurpreet Singh, Junior Assistant representing the respondents submits that the information as ordered by the Commission in its order dated 01.08.2017 has been sent across to the appellant. They have shown us a copy of the same which has been taken on record. The appellant is absent. Nothing has been heard from him also. The Commission believes that sufficient information has been given. No more intervention is called for.

  **Disposed.**

**Sd/-**

**07.09.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The Deputy Commissioner, Mohali.**

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Sh. Jasbir Singh,

Village Bholapur Jhabewal, P.O. Ramgarh,

Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o State Information Commission, Punjab,

Chandigarh

First Appellate Authority

O/o State Information Commission, Punjab,

Chandigarh Respondents

 **APPEAL CASE NO.1657/2017**

Date of RTI application : 20.02.2017

Date of First Appeal : 14.04.2017

Date of Order of FAA : 09.05.2017

Date of 2nd Appeal/complaint : 20.06.2017

**Present:** None on behalf of the Appellant.

 1. Sh. Sudhir Kumar, APIO – SO, PSIC,

 2. Sh. Sohan Singh, Assistant, PSIC, on behalf of the Respondents.

 3. Sh. Sadhu Ram, PS/Secy, PSIC on behalf of the FAA.

**ORDER**

 The appellant is absent. Nothing has been heard from him also.

 The respondents say that sought for information has since been provided to him. The appellant has failed to point out any specific infirmity in the information afforded to him or the impugned order passed in the first appeal.

 The Commission has seen the information provided to him which apparently seems in order. His absence also suggests that he has nothing to add besides the submissions made in the appeal.

 The appeal as such is **disposed.**

 **Sd/-**

**07.09.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Harkiranpal Singh

House No.11, Phulkiyan Enclave,

Behind Mini Sectt., Patiala. Appellant

Versus

Public Information Officer,

O/o Municipal Corporation,

Patiala

First Appellate Authority

O/o Commissioner,

Municipal Corporation,

Patiala. Respondents

 **APPEAL CASE NO.1661/2017**

Date of RTI application : 05.04.2017

Date of First Appeal : 10.05.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 10.05.2017

**Present:** Sh. Harkiranpal Singh, Appellant in person.

 None on behalf of the Respondents.

**ORDER**

 It was observed as follows on 01.08.2017 on the last date of hearing:

 *“The appellant had asked for the certified copies of the estimates, bills of payments, besides the details of earnest money deposited and refunded concerning the works executed by a Society namely; Sundernagar Co-op Society and Soryaya Co-op Society in the Municipal Corporation, Patiala during the period from 01.04.2016 to 31.03.2017.*

 *Sh. Kuljinder Singh, JE is present. He has brought along some information which has been handed over to the appellant on spot. According to the appellant, the information supplied I is very sketchy and deficient. He is alleging an embezzlement of funds by the above contractors in cahoots with the officials dealing with the subject. Obviously, the issue is serious. The Commission directs the PIO to arrange to furnish the complete information to the appellant well before the next date contd…….2*

 *-2-*

***APPEAL CASE NO.1661/2017***

*of hearing positively. This needs not to be underlined that any further delay shall invite penal consequences.”*

The case has come up today for consideration. The respondents are absent. Nothing has been heard from them also.

 Sh. M.M.Syal, XEN (Hqr.) who is reportedly the PIO in the respondent authority is hereby directed to bring along the entire relevant record to the office of the Commission on the next date of hearing failing which his presence shall be ensured by exercising its authority under Section 18(3) (a) of the RTI Act by issuing bailable warrant.

 As the delay is already beyond 100 days Sh. M.M.Syal, PIO – cum – XEN (Hqr.) is, 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 himfor 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.

 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

 Contd…page.3

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***APPEAL CASE NO.1661/2017***

and the Commission shall proceed to take further proceedings against him ex parte.

 To come up on **24.10.2017 at 11.30 AM.**

 **Sd/-**

**07.09.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The Commissioner, Municipal Corporation, Patiala.**

**CC: Sh. M.M.Syal, XEN (Hqr.) – cum – PIO, Municipal Corporation, Patiala.**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Harkiranpal Singh

House No.11, Phulkiyan Enclave,

Behind Mini Sectt.,

Patiala Appellant

 Versus

Public Information Officer,

O/o Improvement Trust,

Patiala

First Appellate Authority

O/o Improvement Trust,

Patiala Respondents

 **APPEAL CASE NO.1662/2017**

Date of RTI application : 27.02.2017

Date of First Appeal : 05.04.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : recd. in Commission on 20.06.2017

**Present:** Sh. Harkiranpal Singh, Appellant in person.

 Sh. Gurmail Singh, Trust Engineer, O/o Improvement Trust, Patiala – for Respondents.

 **ORDER**

 The following order was passed by this forum on 01.08.2017:

 *“The appellant had asked for the certified copies of the estimates, bills of payments besides the details of earnest money deposited and refunded in connection with the works executed by a Society namely; Sundernagar Co-op Society in the Improvement Trust, Patiala during the period from 25.08.2016 to 25.02.2017.*

 *Sh. Balbir Singh, JE is present. He has no plausible explanation for having failed to provide the information so far. The appellant is alleging embezzlement of a handsome amount by the contractor in cahoots with the officials dealing with the subject. Obviously, the issue is serious. The Commission takes a strong exception to the undue delay having been taken in providing the information. The PIO is advised to arrange to furnish the information to the appellant well before the Contd…page…2*

 *-2-*

***APPEAL CASE NO.1662/2017***

*next date of hearing besides explaining the delay. This needs not be underlined that any further delay shall invite serious consequences.”*

The case has come up for consideration today.

 Sh. Gurmail Singh, Trust Engineer appearing on behalf of the respondents says that he has brought along the details of the works executed by the aforesaid Society. The appellant says that it concerns the documentation of six works only whereas the Society under consideration has executed about forty works. Besides, the record of deposit of earnest money, security and its release after execution of work has not been provided.

 The Commission takes a strong exception to withholding of the information and directs the respondents to furnish the information without further loss of time. The delay in providing the information is already beyond hundred days. The PIO 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 himfor 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.

 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

 Contd..page…3

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***APPEAL CASE NO.1662/2017***

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.

 To come up on **24.10.2017 at 11.30 AM.**

 **Sd/-**

**07.09.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Karamjit Singh

S/o Sh. Jagir Singh,

R/o Rurki Kham, Tehsil Kharar,

Distt. S.A.S. Nagar. Appellant

Versus

Public Information Officer,

O/o Tehsildar, Kharar

Distt.S.A.S. Nagar.

.

First Appellate Authority

O/o Sub Divisional Magistrate,

Kharar Distt. S.A.S. Nagar Respondents

 **APPEAL CASE NO.1672/2017**

Date of RTI application : 22.03.2017

Date of First Appeal : 03.05.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 15.06.2017

**Present:** Sh. Karamjit Singh, Appellant in person.

 Sh. Manoj Kumar, Reader, Tehsil Office, Kharar – for Respondents.

**ORDER**

 The following order was passed by this forum on 01.08.2017:

 *“The argument of the respondents that the appellant is asking answers to the queries is irrelevant and is overruled.*

 *The appellant is seeking a certified copy of the mutation on the basis of which some khasra numbers mentioned in his application changed the ownership in the jamabandi of village Rurki Khas, Tehsil Kharar in the year 1993. He has also asked for a copy of the mutation No.2239 on the strength of which the change in ownership has been reflected.*

 *The respondents are directed to arrange to provide the copy of the mutation as asked for by him.”*

 Sh. Manoj Kumar, Reader appearing on behalf of the respondents says that in Contd…page…2

 -2-

**APPEAL CASE NO.1672/2017**

compliance with the order of the Commission, a copy of jamabandi along with sanctioned mutation with reference to the property in dispute has been sent to the appellant by post. A copy of the same which has been handed over to the Commission in the Court itself has also been placed on record. The appellant is dissatisfied and questions the veracity of the documents on the basis of which a fresh entry has been made in the jamabandi of the year 1993-94.

 The Commission is not a forum to look into such issues. In case he is aggrieved he could approach the concerned authority in the Revenue Department in the shape of petition, appeal etc. As far as this forum is concerned it is felt that sufficient information has been given. No further action is called for.

 **Disposed.**

 **Sd/-**

**07.09.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Raj Kumar

S/o Sh. Krishan Chand Vij

Resident of House No.527/5,

Guru Nanak Nagar, Near Bus Stand,

Patiala. Complainant

Versus

Public Information Officer,

O/o Assistant Town Planner,

Municipal Corporation,

Patiala Respondent

 **COMPLAINT CASE NO.451/2017**

Date of RTI application :20.03.2017

Date of First Appeal Nil

Date of Order of FAA: Reply: 28.04.2017

Date of 2nd Appeal/complaint : 04.05.2017

**Present:** Sh. Raj Kumar, Complainant in person.

 None on behalf of the Respondent.

**ORDER**

 The following interim order was passed by this forum on 01.08.2017:

 *“An express order was passed by the Commission on 28.06.2017 overruling the plea taken by the respondent.*

 *Today the respondent is absent. Nothing has been heard from him about the compliance of the order passed by the Commission. Obviously, the conduct tantamounts to denial and refusal to part with the information. The respondent as such has rendered himself liable for penal consequences.*

 *The PIO – cum – Assistant Town Planner, M.C., Patiala is 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 Contd…page…2*

 *-2-*

***COMPLAINT CASE NO.451/2017***

*and why the compensation be not awarded to the Complainant under Section 19 (8) (b) of the Act for the detriment suffered by him.*

 *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.”*

 In reply dated 01.08.2017 to the notice of the Commission the respondent has submitted that the requisite information has been provided to the complainant. The complainant says that the reply is not relevant to the issue.

 The case has come up again today. None is present on behalf of the respondent. The complainant denies having received the information. The respondent PIO Sh. Naresh Kumar, Assistant Town Planner is hereby directed to attend the proceedings in person on the next date of hearing along with original record. Be it noted that laxity any more shall invite serious consequences.

 To come up on **12.10.2017 at 11.30 AM.**

**Sd/-**

**07.09.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

 **STATE INFORMATION COMMISSION, PUNJAB**

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Sh. N.K.Sayal, (Accounts Officer, Retd.),

Member, RTI Activist Federation, Pb.

Sayal Street, Sirhind -140406 Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Municipal Council,

Sirhind

First Appellate Authority,

O/o Deputy Director,

Local Govt. Punjab, Ferozepur Road,

New Courts Complex,

Ludhiana Respondents

**APPEAL CASE NO.826/2017**

 **Date of RTI Application : 05.12.2016** **Date of First Appeal: 02.01.2017**

 **Date of Order of FAA : 06.03.2017**

 **Date of Second Appeal: 11.03.2017**

**Present:** Sh. N.K.Sayal, (Accounts Officer, Retd.), Appellant in person.

 Adv. Harbans Lal Sharma, Counsel for the Respondents – for Respondents.

**ORDER**

 Heard.

 The order is **reserved to be pronounced on 17.10.2017 at 11.30 AM.**

 **Sd/-**

**07.09.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Parveen Vij,

B 15, GF 02, Nirmal Chhaya Towers,

VIP Road, Zirakpur -140603 (S.A.S.Nagar) Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Municipal Council, Zirakpur (S.A.S.Nagar)

First Appellate Authority

O/o Regional Dy. Director, Local Govt., Punjab,

Mini Sectt. Patiala Respondents

**APPEAL CASE NO.1516/2017**

 **Date of RTI Application : 05.09.2016**  **Date of First Appeal : 05.12.2016**

 **Date of order of FAA : 17.02.2017**

 **Date of Second Appeal : 11.05.2017**

**Present:** Sh. Parveen Vij, Appellant in person.

 Sh. Gursewak Singh, Jr. Assistant, M.C. Office, Zirakpur – for Respondents.

**ORDER**

It was observed on 01.08.2017 as follows:

 ***“****The Commission had made the following observations on 20.07.2017:-*

 ***“****The appellant had sought an information way back on 05.09.2016 about the details of the commercial shopping complex and other allied information on the VIP road in Zirakpur. The reply filed by the respondents is roundabout and evasive. The appellant submits that he has been duped by an unscrupulous builder for want of appropriate information. The matter is being handled by the respondents in a very opaque manner.*

 *The PIO – cum – E.O., M.C., Zirakpur is directed to come in person on the next date of hearing to explain his conduct and reasons as to why they have not provided the information to the appellant so far. Meanwhile he should inform the appellant appropriately before the next date of hearing under intimation to the Commission.”*

 *Contd..page…2*

 *-2-*

***APPEAL CASE NO.1516/2017***

 *“Sh. S.K.Aggarwal, E.O. is present. He has filed a written reply which has been handed over on spot to the appellant. The appellant is advised to go through the same and intimate to the Commission about its conformity with the original application.”*

The appellant and the representative of the respondents are present. A simple query of the appellant as to whether the basement constructed in the Deva Ji VIP Plaza on VIP Road Zirakpur has been approved for commercial purposes has not been answered. The respondent obviously is evasive.

 The appellant submits that based on their advertisement brochure a sum of Rs.24 lac has already been given to the builders against the purchase of a shopping area. He apprehends that he has been misled and duped by the aforesaid builder.

 The Executive Officer, Municipal Council, Zirakpur is directed to suitably inform the appellant forthwith besides bringing along the approved building plan for the perusal of the Commission failing which it shall be presumed that a willful attempt has been made to forestall the information in cahoot with the builders and the consequential action for the suppression of the information shall be taken.

 To come up on **17.10.2017 at 11.30 AM.**

 **Sd/-**

**07.09.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The Executive Officer – cum – PIO, Municipal Council, Zirakpur, Distt. Mohali.**

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Sh. Jagjit Singh,

S/o Sh. Harbans Singh,

# B-32/E -13/216 A Gali No.3,

Backside Green Land School, Near Jalandhar Bye-pass

Ludhiana Appellant

Versus

Public Information Officer,

O/o Municipal Corporation,

Zone-A, Ludhiana

First Appellate Authority

O/o Municipal Corporation,

Zone-A, Ludhiana Respondents

 **APPEAL CASE NO.1228/2016**

 **Date of RTI Application : 10.01.2017**

 **Date of First Appeal : 20.02.2017**

 **Date of Order of FAA : Nil**

 **Date of Second Appeal : 29.03.2017**

**Present:** None on behalf of the Appellant.

 Sh. Maharani Deen, Clerk, MC Office, Zone ‘A’, Ludhiana – for Respondents.

**ORDER**

 The appellant is absent. From the perusal of his application which seeks details about the date of birth, qualifications, medical certificates etc. of an employee, it is clearly made out that the information sought relates to the ‘Personal information’ of a third party. The respondents have denied it accordingly.

 The Commission is in agreement with respondents. The appellant has not been able to suggest as to how the public interest much less a larger public interest shall be served in divulgence of such an information. Having failed to do so he is not entitled to information. Section 8(i) (j) of the Act has been rightly invoked by the respondents. The appeal as such is **dismissed.**

 **Sd/-**

**07.09.2017 (Yashvir Mahajan)**

 **State Information Commissioner**