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Sh. Rakesh Kumar Gupta, Advocate,

No.8/237, Jagraon Road, Mandi Mullanpur

Distt. Ludhiana

 Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Municipal Council, 1937

Mullanpur Dakha, Distt. Ludhiana

First Appellate Authority

O/o Regional Deputy Director,

Local Bodies, Punjab, Ludhiana Respondents

 **APPEAL CASE NO.2668/2017**

Date of RTI application : 08.09.2017

Date of First Appeal : 22.09.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :27.09.2017

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

 Sh. Amarjeet Singh, Inspector, MC, Mullanpur Dakha – for Respondents.

**ORDER**

 Sh. Amarjeet Singh, Inspector appearing on behalf of the respondents has brought along the information. The appellant is away. He has requested for hearing through video conference.

 The respondents are directed to pass on the information by post to the appellant. The matter shall be considered on **13.12.2017 at 11.30 AM through video conference at Ludhiana.**

 **Sd/-**

**07.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

 **STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Manjit Singh,

House No.2877, Phase 7,

S.A.S. Nagar (Mohali) Appellant

Versus

Public Information Officer,

O/o Municipal Corporation,

Sector-68, S.A. S Nagar (Mohali)

First Appellate Authority

O/o Jt. Commissioner,

Municipal Corporation,

Sector-68, S.A.S Nagar, (Mohali) Respondents

 **APPEAL CASE NO.1865/2017**

Date of RTI application : 31.01.2017

Date of First Appeal : 06.03.2017

Date of Order of FAA : 27.04.2017

Date of 2nd Appeal/complaint : 13.07.2017

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

 1. Sh. Sarbjeet Singh, PIO – cum – Assistant Commissioner,

 2. Sh. Bhim Sain, Superintendent and

 3. Sh. Jaswinder Singh, Superintendent, MC, Mohali – for Respondents.

**ORDER**

 The following observations were made on 31.08.2017 by this forum:

 *“The appellant is seeking a report on the action having been taken on a complaint made by him for the removal of rehris etc. which allegedly are illegally operating from the site mentioned in his complaint. The respondents have filed reply. The appellant is not satisfied. He has posed certain questions to be answered by the Respondents.*

 *The Commission observes that it is not within the domain of this forum to seek explanations or order redressal of a grievance. The reach of this forum is only to provide information which exists materially with the respondents. The respondents are directed to get the relevant file inspected and provide him the certified copies of the documents identified by him free of cost. Prior notice of date and time shall be intimated to the appellant.”*

 *Contd…page…2*

 *-2-*

**APPEAL CASE NO.1865/2017**

The respondent says that in compliance with the aforesaid order the relevant record was got inspected by the appellant who was provided with the certified copies of the documents specifically relating to the compounding fee charged from the various rehri operators. The appellant is still dissatisfied and insists upon imposition of penalty. However, he has failed to point out the deficiency in the information provided to him.

 The Commission finds that the original application was filed by him on 31.01.2017 and he was informed, according to the respondents, on 20.02.2017. Thus, it would be seen that the respondents have shown due diligence and no malafide can be attributed to them. No more intervention of the Commission is called for. The appeal is **disposed.**

 **Sd/-**

**07.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. K.N.S. Sodhi,

House No.1634, Sector-70,

S.A.S. Nagar (Mohali) Appellant

Versus

Public Information Officer,

O/o Municipal Corporation,

Sector-68, S.A.S.Nagar (Mohali)

First Appellate Authority

O/o Commissioner,

Municipal Corporation,

Sector-68, S.A.S.Nagar (Mohali) Respondents

 **APPEAL CASE NO.1937/2017**

Date of RTI application : 20.04.2017

Date of First Appeal : 05.06.2017

Date of Order of FAA : -

Date of 2nd Appeal/complaint : -

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

 1. Sh. Sarbjeet Singh, PIO – cum – Assistant Commissioner,

 2. Sh. Bhim Sain, Superintendent and

 3. Sh. Jaswinder Singh, Superintendent, MC, Mohali – for Respondents.

**ORDER**

 This be read in continuation of the order passed on 31.08.2017 and 17.10.2017. The case has come up today. It seems that there is miscommunication between the appellant and the respondents. As advised the inspection of the record has not matured. The PIO is directed to ensure the inspection by the appellant on a specified date and time to their mutual convenience before the next date of hearing.

 To come up on **19.12.2017 at 11.30 AM.**

 **Sd/-**

**07.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Ashok Kumar,

House No.214, Pine Homes,

Dhakoli, Zirakpur -160104

Distt. S.A.S. Nagar. Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Municipal Council, Zirakpur

Distt. S.A.S.Nagar.

First Appellate Authority

O/o Regional Deputy Director,

Local Bodies, Punjab, Mini Sectt.,

Patiala Respondents

 **APPEAL CASE NO.2111/2017**

Date of RTI application : 07.04.2017

Date of First Appeal : 27.05.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 01.08.2017

**Present:** None.

**ORDER**

 None is present on behalf of the Parties. The matter shall be reheard on **07.12.2017 at 11.30 AM.**

 **Sd/-**

**07.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Mrs. Satnam Kaur

W/o Late Sh. Gian Singh,

House No.224, Block-B,

Model Town Extension,

Ludhiana Appellant

Versus

Public Information Officer,

O/o Assistant Town Planner,

Zone-D, Municipal Corporation,

Ludhiana

First Appellate Authority

O/o Commissioner,

Municipal Corporation,

Mata Rani Chowk, Ludhiana Respondents

 **APPEAL CASE NOs.1711 and 1742 of 2017**

Date of RTI application : 28.02.2017/28.03.2017

Date of First Appeal : 25.04.2017/05.05.2017

Date of Order of FAA : Reply 20.03.2017/Nil

Date of 2nd Appeal/complaint : 27.06.2017/28.06.2017

**Present:** Sh. Gurpreet Singh on behalf of the appellant - Mrs. Satnam Kaur, Appellant.

 Sh. Damanpreet Singh, Draftsman, Zone ‘D’, MC Office, Ludhiana – for Respondents.

**ORDER**

 This should be read in continuation of our order dated 04.10.2017.

 The PIO has sought an adjournment on account of his occupation with the compliance of an order of Hon’ble Punjab & Haryana High Court, Chandigarh. His request has been acceded with the rider that no further cognizance shall be taken of such requests.

 The appellant pleads that he has not been informed of the particulars of the field inspector and the amount of the compounding fee charged on the violation made in the construction of the building. The respondents are advised to deal with the same besides explaining delay in responding to the RTI application.

 To come up on **27.12.2017 at 11.30 AM through VC at Ludhiana.**

 **Sd/-**

**07.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: Sh.Vijay Kumar, PIO – cum - Assistant Town Planner, Zone ‘D’, Municipal Corporation, Mata Rani Chowk, Ludhiana.**

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Sh. Rakesh Kumar Gupta,

S/o Late Sh. Deen Dayal,

Chamber No.362, Lawyers Chamber complex

Judicial Courts, Ludhiana Appellant

Versus

Public Information Officer,

O/o Zonal Superintendent,

Zone-D (B&R Br.), Municipal Corporation,

Ludhiana

First Appellate Authority

O/o Municipal Corporation Zone-D,

Ludhiana Respondents

 **APPEAL CASE NO.1796/2017**

Date of RTI application : 21.02.2017

Date of First Appeal : 15.04.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 09.06.2017

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

 Sh. Damanpreet Singh, Draftsman, Zone ‘D’, MC Office, Ludhiana – for Respondents.

**ORDER**

 This be read in continuation of order passed by this forum on 04.10.2017.

 The PIO has sought an adjournment as he is to ensure the compliance of an order of Hon’ble Punjab & Haryana High Court, Chandigarh. His request is acceded. The matter shall be reheard on **27.12.2017 at 11.30 AM through VC at Ludhiana.**

 **Sd/-**

**07.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: Sh. Vijay Kumar, PIO – cum – Assistant Town Planner,**

 **Zone ‘D’, Municipal Corporation, Mata Rani Chowk, Ludhiana.**

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Sh. Manjit Singh,

House No.2877, Phase 7,

S.A.S. Nagar (Mohali) Appellant

Versus

Public Information Officer,

O/o Municipal Corporation,

Sector-68, S.A. S Nagar (Mohali)

First Appellate Authority

O/o Jt. Commissioner,

Municipal Corporation,

Sector-68, S.A.S Nagar (Mohali) Respondents

 **APPEAL CASE NO.1864/2017**

Date of RTI application : 07.02.2017

Date of First Appeal : 06.03.2017

Date of Order of FAA : 27.04.2017

Date of 2nd Appeal/complaint : 13.07.2017

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

 1. Sh. Sarbjeet Singh, PIO – cum – Assistant Commissioner,

 2. Sh. Bhim Sain, Superintendent and

 3. Sh. Jaswinder Singh, Superintendent, MC, Mohali – for Respondents.

**ORDER**

 On 17.10.2017 it was held as under:

 *“The following order was observed on 31.08.2017 by this forum:*

 *“The appellant had sought the particulars of an ownership and details of a property. The respondents take a ‘third party’ plea. The appellant apprehends that an evasion of tax in the instant case has taken place. In the interest of transparency in the functioning of a Public Authority and larger public interest the respondents are directed to intimate him the details of the ownership and the property tax paid or due on it within fifteen days from today.”*

 *“Complying with the order of the Commission, the Municipal Corporation has furnished the information to the appellant on 05.09.2017. The appellant, however, is dissatisfied and says that the information is incomplete. As the respondents are absent, the matter shall be reheard on 07.11.2017 at 11.30 AM.”*

The case has come up today. The appellant pleads that the respondents are not divulging him the names of the ownership of the property in question. The respondent’s viewpoint is that they maintain the record with reference to the occupier of a property and are not obliged to get Contd…page…2

 -2-

**APPEAL CASE NO.1864/2017**

 into the ownership of the property. They have brought along self-assessment sheet filed by the occupier of the house, a copy of which has been handed over to the appellant on spot. The respondents say no more record relating to his application is available. The appellant is advised to approach the GMADA, Mohali in case he intends to know the ownership of the property in question.

 The Commission feels that the information available with the respondents has been provided. No further action is called for. The appeal is **disposed.**

 **Sd/-**

**07.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Manjit Singh,

House No.2877, Phase -7,

S.A.S. Nagar (Mohali) Complainant

Versus

Public Information Officer,

O/o Municipal Corporation

Sector-68, S.A.S. Nagar (Mohali) Respondent

 **COMPLAINT CASE NO.693/2017**

Date of RTI application : 19.07.2016

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 13.07.2017

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

 1. Sh. Sarbjeet Singh, PIO – cum – Assistant Commissioner,

 2. Sh. Bhim Sain, Superintendent and

 3. Sh. Jaswinder Singh, Superintendent, MC, Mohali – for Respondents.

**ORDER**

 The following order was passed by the Commission on 17.10.2017:

 *“The respondents have not filed a written reply despite issue of notice from the Commission. Even the order of the First Appellate Authority for the prompt action has not been acted upon.*

 *Since it is a complaint case the respondents are directed to explain the reasons for having failed to provide the information within the stipulated time and show cause as to why penal action should not be taken.*

 *Despite clear directions nothing has been heard from the respondent. Another opportunity is afforded to them to clear their position failing which penal consequences shall follow.”*

 *Contd..page…2*

 *-2-*

**COMPLAINT CASE NO.693/2017**

 The case has come up today. What transpires on hearing both the parties is that the complainant is aggrieved with the encroachment of the public property specifically the parking areas and the road sides by the tikki and rehri owners and the lack of action on the part of the respondents to remove them. He is referring to a complaint made by him on 31.05.2016.

 The respondents submit that despite their efforts the complaint in question could not be traced in their office. Besides, he has filed a similar RTI application which was suitably responded to by them on 20.02.2017.

 The Commission feels that his grievance may be justified but it is not within the domain of this forum to pass executive directions to the respondents. The Commission has already arranged the inspection of the relevant record with the provision of certified copies identified by the complainant. It does not find any malicious intent on the part of the respondents to withhold the information thereby warranting the imposition of penalty under the RTI Act as being insisted upon by the complainant.

 **Disposed.**

 **Sd/-**

**07.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Parminder Singh

R/o House No.422, Palm Enclave,

Distt. Roopnagr

 Complainant

Versus

Public Information Officer,

O/o Deputy Commissioner,

Roopnagar. Respondent

 **COMPLAINT CASE NO.782/2017**

Date of RTI application : 13.06.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 01.08.2017

**Present:** Sh. Hari Singh Sodhi, Counsel for the Complainant.

 Sh. Surinder Pal Singh, Clerk, RTI, DC Office, Ropar, and

 Sh. Harish, Clerk, Sadar Kanungo branch, DC office, Ropar – for Respondent.

**ORDER**

The following order was passed by this forum on 10.10.2017:

 *“The original application with the PIO was filed on 13.06.2017. Aggrieved on having not received the information, he filed the complaint with the Commission to initiate action against them under Section 18 of the RTI Act. The respondent says that the information has been provided to him. However, it transpires that the same has been communicated to him on receipt of the notice from the Commission. The complainant says that not only the information has been provided at a belated stage after the issue of notice, the same is deficient also as the copies of the papers on file along with the noting portion has not been supplied.The complainant submits that there is a tangible delay in providing the information which has rendered the respondent liable for penal action. The respondent is directed to file a written explanation as to why the aforesaid action be not taken against the PIO.”*

The case has come up today. Sarvshri Surinder Kumar, Clerk and Harish, Clerk, DC office, Ropar appearing on behalf of the respondent have produced a letter signed by Sh. Parminder Singh, Complainant which purports to withdraw the complaint made by him. Sh. Hari Singh Sodhi, counsel for the complainant says that even so the Commission should take suo moto cognizance of Contd..page…2

 -2-

**COMPLAINT CASE NO.782/2017**

the offence on the part of the respondent.

 From the perusal of the record it is made out that the original application before the PIO was made on 13.06.2017. The PIO had immediately acted upon the same and vide his communication dated 19.06.2017 the information from the concerned officer was requisitioned. Thereafter the complainant was provided with the information vide memo dated 28.08.2017. There is a marginal delay. The Commission does not see any malafide on the part of the respondent. In the face of the fact that the complainant had already withdrawn the complaint before the Commission there is hardly any requirement to proceed further in the matter. The complaint is **disposed.**

 **Sd/-**

**07.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Karamjit Singh

S/o Sh. Jagir Singh

R/o Vill. Rurki Kham, P.O. Palheri,

Tehsil Kharar, Distt. S.A.S. Nagar.

 Appellant

Versus

Public Information Officer,

O/o Senior Supdt of Police,

S.A.S. Nagar.

First Appellate Authority,

O/o Senior Supdt. of Police (Diy.S.P.Hqrs),

S.A.S.Nagar Respondents

 **APPEAL CASE No.2170/2017**

Date of RTI application : 18.04.2017

Date of First Appeal : 06.06.2017

Date of Order of FAA : Reply 05.07.2017

Date of 2nd Appeal/complaint :27.07.2017

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

 ASI Inderjeet Singh, SSP Office, Roapr – for Respondents.

**ORDER**

 The following order was passed by this forum on 10.10.2017:

 *“The appellant had sought a copy of a DDR registered in the Police Chowki of Village Sahoran way back in the year 1996. The respondent says that as per the standing instructions the record pertaining to the DDRs is destroyed after a couple of years and is not available. The appellant insists that the record is available in the VRK Branch of the SSP Office, Ropar. The PIO, O/o SSP, Ropar may like to react on the same.”*

The respondents have filed a reply wherein it has been reiterated that the sought for record stands since destroyed under a valid order passed by the SSP. Since the information is not available in record obviously it cannot be passed on to the appellant.

 **Disposed.**

 **Sd/-**

**07.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: PIO, O/o Sr. Superintendent of Police, Ropar with reference to SSP, Mohali’s Memo No.54143/G/RTI dated 15.10.2017.**

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Sh. Brish Bhan Bujarak,

S/o Sh. Saroop Chand,

Ward No.33, Kahangarh Road, Patran

Distt. Patiala Complainant

Versus

Public Information Officer,

O/o Shiromani Gurdwara Parbandhak Committee,

Sri Amritsar Sahib Respondent

 **COMPLAINT CASE NO.576/2017**

 **Date of RTI Application : 30.03.2017**  **Date of First Appeal : Nil**

 **Date of order of FAA : Nil. Reply – 08.05.2017**

 **Date of Second Appeal : 06.06.2017**

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

 1. Sh. Simarjit Singh, PIO, SGPC,

 2. Sh Kuldip Singh, Assistant Supervisor, SGPC – for Respondent.

 **ORDER**

 It shall be pertinent to reproduce the interim order passed on 10.10.2017 which reads as follows:

 “The following order was made on 20.07.2017 by this forum:

 *“The complainant is absent. He has sent an e.mail seeking exemption from appearance with the request to adjourn the case. He has sought to know the details of the patients and the expenses incurred in execution of a scheme run by the SGPC to assist the cancer patients in the State.*

 *The respondents say that the complainant was desired to make the payment of Rs.1,000/- as a cost of providing the information. Having failed to do so, they say, that he is not*

*entitled to the information. The complainant says that since the cost was not asked for within the stipulated time frame they are not legally entitled to claim the fee.*

 *The Commission observes that we have to interpret the law in its spirit and not by a strict literal interpretation. The marginal delay in conveying the fee does not totally steer the information seeker clear of the liability to deposit the cost of information when he asks for a massive Contd…page…2*

 *-2-*

***COMPLAINT CASE NO.576/2017***

*one. In the circumstances the Commission directs the respondent to convey him the total amount spent by them during the period asked for and the number of patients assisted under intimation to the Commission. In case the complainant is still desirous of getting the information in detail as asked for by him he must deposit the cost of information.”*

 *“The respondent says that the information comprising the total number of patients and the amount compensated to them from 2007 onwards has already been given to him. The complainant insists on seeking its detail. The respondent submits that it is a massive information and shall divert their resources disproportionately. Besides, they have never maintained the information constituency-wise of the members of the SGPC earlier as asked for by the complainant.*

 *Having considered the issue in its entirety the Commission directs the respondent to provide the information to the complainant relating to a period of the financial year 2016-17 only under intimation to the Commission.”*

The matter has come up today. The complainant is absent. The respondent says that in compliance with the order of the Commission, the information pertaining to the year 2016-17 has been communicated to the complainant. The Commission presumes that the complainant is satisfied as nothing has been heard from him. The complaint is **disposed.**

 **Sd/-**

**07.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Sonu Garg

S/o Sh. Surinder Kumar

R/o Kothi No.1595, Sector-21,

Panchkula (Haryana) Appellant

Versus

Public Information Officer,

O/o Tehsildar-cum- Sub Registrar,

Sub Tehsil, Majri, Distt. S.A.S.Nagar.

First Appellate Authority

O/o Sub Divisional Magistrate,

Kharar, Distt. S.A.S Nagar. Respondents

 **APPEAL CASE NO.1491/2017**

Date of RTI application : 09.07.2016

Date of First Appeal : 28.08.2016

Date of Order of FAA: Nil

Date of 2nd Appeal/complaint : 18.03.2017

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

 Sh. Varinder Pal Singh, Naib Tehsildar, Majri – for Respondents.

**ORDER**

 The following order was passed by this forum on 10.10.2017:

 *“The appellant submits that the orders of the Commission passed on 25.07.2017 and 29.08.2017 have not been complied as neither the specific information as asked for nor the legible and attested copies as were directed, have been provided so far.*

 *The respondents are absent. Nothing has been heard also. The PIO – cum - Tehsildar, Sub Tehsil, Majri 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 and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.*

 *Contd…page…2*

 *-2-*

***APPEAL CASE NO.1491/2017***

 *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 been taken up today.

 Sh. Varinder Pal Singh, Naib Tehsildar is present. He says that the deficient record has been made good. He has also attached a copy of the letter of the appellant acknowledging the receipt of the same. Thus the original application has been satisfied. There has been delay in attending to it. The respondent regrets it. They are cautioned to be watchful in future. The appeal is **closed.**

 **Sd/-**

**07.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**