

PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @ www.infocommpunjab.com
Email: psic22@punjabmail.gov.in



Smt. Sukhjit Kaur,
H.No.213, Phase-3A,
SAS Nagar (Mohali).

Appellant

Versus

Public Information Officer,
O/o Municipal Corporation,
Sector-68, SAS Nagar (Mohali).

First Appellate Authority,
O/o Joint Commissioner-cum-
Municipal Corporation, SAS Nagar(Mohali).

Respondents

Appeal Case Nos.2389 &2390/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
07.02.2019	Nil	20.03.2019	Nil	03.07.2019

Present: Appellant- Ms. Sukhjeet Kaur;
Respondents- Smt Avneet Kaur, SDO cum APIO;
Sh. Akshay Sama, J.E, O/o MC, Mohali.

ORDER

Since the aforementioned complaints are about the same issue, these are clubbed together and shall be decided by a single order.

The appellant is aggrieved with the action of the Municipal Corporation in uprooting allegedly some fruit bearing trees standing behind the courtyard of her house.

The respondents say that only shrubs were removed to lay the pavements in order to facilitate parking in the area following popular demand. According to them, the consent of her father, who is owner of the house, was also procured. It has been produced by them and placed on record. The land according to them vests in the Municipal Corporation and they are entitled to put it to an appropriate use.

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Appeal Case Nos.2389 &2390/2019

Be that as it is, the respondents are desired to file a written reply to the notice of the Commission before next date of hearing.

To come up on **15.10.2019 at 11.30 AM.**

10.09.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

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Sh. Mahabir Singh
General Attorney of Parvinder Kaur
D/o Shri Mahabir Singh
43, Raja Park, Ambala Cantt.

Appellant

Versus

Public Information Officer,
O/o Tehsildar, Dera Bassi
District S.A.S. Nagar (Mohali).

First Appellate Authority,
O/o Sub Divisional Magistrate,
Dera Bassi, Distt. SAS Nagar(Mohali).

Respondents

Appeal Case No.2382/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
02.07.2018	Nil	16.08.2018	Nil	02.07.2019

Present: Appellant- Sh. Mahabir Singh;
Respondents- None.

ORDER

Having failed to find response from the respondents on his application filed on 20.07.2018, the appellant has been constrained to file a second appeal with the Commission. The appellant had purchased a land comprised in *Khasra No. 6/4/min* measuring 1 kanal 8 marle in the revenue estate of the village Bir Dandral, presently christened as Shakti Nagar, Dera Bassi. He is aggrieved with the fact that the numbers of the aforementioned land have been manipulated by the revenue officials depriving him of the possession of his land. He has sought the *Tatima Map* and the entries in the field book relating to his plot.

The respondents are absent. The Commission takes a strong exception to the cavalier conduct of the respondents in stone walling the information. The respondents are directed to inform the appellant about his requisition before the next date of hearing, besides

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Appeal Case No.2382/2019

explaining their conduct for having failed to provide the information and file a reply before the Commission.

To come up on **15.10.2019 at 11.30 AM.**

10.09.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

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Sh. V.P. Dhawan,
808-A, Mona Aeroview
Swastik Vihar, Patiala Road,
Zirakpur, Distt. SAS Nagar(Mohali).

Complainant

Versus

Public Information Officer,
O/o Municipal Committee, Zirakpur,
Distt. SAS Nagar (Mohali).

Respondent

Complaint Case No.592/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
20.04.2018	Nil	30.05.2018	Nil	01.07.2019

Present:

Complainant- Sh. V.P. Dhawan

Respondent- Sh. Sarabjeet Singh, Building Inspector.

ORDER

The original application has been filed on 20.04.2018. The appellant is seeking information about various clearances of a project namely M/s Prem Bansal Real Estate, Swastik Vihar, Zirakpur. There is an unexplained delay in filing the complaint. Even though, the respondents are desired to provide him the information. They shall explain the delay in filing the reply to the Commission before next date of hearing.

To come up on **15.10.2019 at 11.30 AM.**

10.09.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner

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Sh. Mohinder Singh,
S/o Sh. Channan Singh
H.No.69, Ward No.5, Nanakpura,
Near IIT, Ropar, Distt. Ropar.

Complainant

Versus

Public Information Officer,
O/o Block Development & Panchayat Officer,
Roopnagar.

First Appellate Authority,
O/o Block Development and Panchayat Officer,
Roopnagar.

Respondents

Complaint Case No.602/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
24.07.2018	Nil	07.01.2019	Nil	03.07.2019

Present:

Complainant- Sh. Mohinder Singh.
Respondent- Sh. Amrik Singh, SPEO.

ORDER

The complainant is seeking the status of the action having been taken by the respondent on the directions given by the Sub Divisional Magistrate to them vide his letter no. 1022 dated 19.11.2017. It is understood that having enquired into the matter, the SDM has desired the respondents to construct a channel in the street to drain out the waste water of the Village-Nanakpura. The respondents are directed to apprise him about the action having been taken and the status of the aforesaid issue.

To come up on **17.10.2019 at 11.30 AM.**

10.09.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner



Sh. Janak Singh,
S/o Late Shri Ujjar Singh,
R/o Behloipur, Block Majri, Tehsil & Distt Mohali.

Appellant

Versus

1. Public Information Officer,
O/o Block Development and Panchayat Officer,
Majri, Distt Mohali.

2. First Appellate Authority,
O/o District Development and Panchayat Officer,
Mohali.

Respondents

Appeal Case Nos.3656, 3657, 3658, 3659, 3660 and 3661 of 2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
14.08.2018/01.08.2018/ 27.07.2018/02.07.2018/ 12.04.2018/30.07.2018	Nil	13.09.2018	Nil	30.10.2018

Present: Appellant- Sh. Janak Singh.
Respondents- Sh. Yadvinder Singh, Panchayat Secretary.

ORDER

The following order was passed on 25.07.2019:-

18.04.2019

“As the appellant and respondents are the same and a common submission has been made by the respondents. The single order shall address all the aforementioned appeals.

Sh. Charanjeet Singh, Panchayat Secretary, representing the respondents submits that the respondents have been awesomely occupied with the conduct of Panchayat polls and could not attend to the applications. They assure that the information shall be provided to the appellant within fortnight positively.

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Appeal Case Nos.3656, 3657, 3658, 3659, 3660 and 3661 of 2018

The cases have come up for hearing today. Despite the assurance given by the respondents and express directions of the Commission, the respondents have failed to provide the information. The Commission believes that the respondents are mala fidely sitting over the applications with willful intent. Taking it as an offence under Section 7(1) of the RTI Act Sh. Hiten Kapila, PIO – cum – Block Development & Panchayat Officer, Majri, District, Mohali 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.

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.

04.06.2019

The cases have come up today. The Commission sees that these are very

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Appeal Case Nos.3656, 3657, 3658, 3659, 3660 and 3661 of 2018

long standing cases. The respondents have shown lackadaisical attitude. The Commission has taken strong exception to it. The respondents as on today have taken the plea that they are engaged seriously with the conduct of Parliamentary Elections. The Commission agrees with them to the extent of their engagement in the conduct of elections. However, the earlier delay has not been justifiably explained. A final opportunity is afforded to them to part with the information without fail before the next date of hearing. Be it noted that they are already under show cause notice the cognizance of which shall be taken separately. The respondents are absent despite express orders of the Commission. These are the long standing cases. The Commission is justified in imposing the penalty on the respondents. However, in the interest of fair play, last opportunity is afforded to the respondent to show cause on the notice already issued to him about his conduct in withholding and delaying the information without any valid reasons.”

25.07.2019

“Sh. Yadvinder Singh, Panchayat Secretary is present. He has brought along the entire record pertaining to Cash Book and the proceedings book which have been handed over on spot to the appellant. During the course of discussions, it transpires that the information pertaining to the execution of works is yet to be copied down and handed over to the appellant. The Commission feels that it shall be appropriate in case an inspection is arranged, which according to the concurrence of the parties, shall be clinched on 26.07.2019

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Appeal Case Nos.3656, 3657, 3658, 3659, 3660 and 3661 of 2018

in the office of BDPO, Majri 11.30 AM. The appellant shall identify the documents not beyond 50 pages.”

The case has come up today. The respondents say that the information has been provided to the appellant. The appellant is satisfied with the documents supplied to him. He does not attribute any malafide intent to the respondents for the delay and requests the Commission to file the show cause notice issued to the respondents. The common refrain is that the respondents were overworked and due to preoccupation with a couple of elections, some of the information could not be timely delivered. This being the case, the appeals are **disposed** and the show cause notices are **filed**.

10.09.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**