**PUNJAB STATE INFORMATION COMMISSION**

 **Red Cross Bhawan, Near Rose Garden, Madhya Marg,**

**Sector: 16, Chandigarh.**

 **Tel. No.0172-2864100-01, Fax No.0172-2864110**

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Sh. Dharamvir s/o Shri Ratu Ram,

r/o House No. 2479, Sector 39C,

Chandigarh --------Complainant

 **Vs.**

Public Information Officer,

O/o GMADA Mohali.

First Appellate Authority

O/o GMADA Mohali. -------Respondents

**Complaint Case No. 1565 of 2016**

Present:- Shri Dharamvir, complainant, in person.

Smt. Suman Bala, Assistant Estate Officer-cum-PIO; on behalf of the respondents.

**ORDER**

 In this case, during hearing on 19.09.2017, Shri Balwinder Singh, Ld. Counsel for Shri Sanjeev Gupta, XEN(Civil), Patiala Development Authority, PUDA Office, Patiala, the then PIO, GMADA, Mohali, submitted reply to the Show-Cause Notice from Shri Sanjeev Gupta. Ld. Counsel inter-alia further submitted that the demanded information was more than 20 years old, which was not liable to be supplied to the applicant. He also submitted that Shri Sanjeev Gupta, XEN had never been appointed as PIO in the instant case by GMADA authorities. He requested that Shri Sanjeev Gupta, XEN, might be exempted from personal appearance during future hearings as he would appear on his behalf. Consequently, Shri Sanjeev Gupta was exempted from personal appearance till that time his presence was not required.

Contd……p/2

**CC - 1565 of 2016 -2-**

Consequently, after hearing both the parties and discussing the matter at length, Ld. Counsel for Shri Sanjeev Gupta was directed to provide a copy of the reply to the complainant as well as to the present PIO of the office of GMADA, Mohali for submitting their observations, if any, on the next date of hearing. A copy each of the order was forwarded to Chief Administrator, PUDA and GMADA, Mohali to file a reply in his personal capacity to apprise the Commission as to who was the PIO at the time of submission of instant RTI application by the complainant, to facilitate the Commission to arrive at a logical conclusion while deciding this case. The case was adjourned to 23.10.2017.

2. On 23.10.2017, Shri Balwinder Singh, Advocate, informed that he was appearing on behalf of Shri Sanjeev Gupta, XEN and also on behalf of the respondent Public Authority i.e. GMADA. He submitted a reply from Shri Ravi Bhagat, Chief Administrator, PUDA and GMADA, Mohali informing that Smt. Dalbir Kaur, Assistant Estate Officer, GMADA was working as the PIO of GMADA from 11.12.2012 to 06.07.2017 and Smt. Suman Bala, Assistant Estate Officer-1, GMADA had been appointed as PIO, GMADA vide office order dated 06.07.2017.

3. Ld. Counsel for the respondents submitted a reply from Smt. Suman Bala, A.E.O.-cum-PIO, GMADA by way of affidavit dated 23.10.2017, a copy of which was handed over to the complainant for his observations, if any. The PIO has inter-alia stated in her reply that the record containing the information sought by the complainant, is neither available in GMADA nor re-constructible and as such, the

Contd……p/3

**CC - 1565 of 2016 -3-**

deponent is not in a position to supply the information to the complainant. She has further stated that it is not practically feasible at such a belated stage to ascertain the officials who could be held responsible for the non-availability of the record as most of the officials have retired. Accordingly, it was directed that an affidavit be submitted on the next date of hearing, explaining reasons in detail, as to why the record cannot be reconstructed. A copy of the order was forwarded to Shri Ravi Bhagat, IAS, Chief Administrator, GMADA, Mohali to ensure the compliance of the orders. The case was adjourned for today.

4. Today, Smt. Suman Bala, Assistant Estate Officer-cum-PIO, submits an affidavit dated 27.12.2017, as per the orders of the Commission passed on the last date of hearing, explaining reasons as to why the record cannot be reconstructed. Consequently, during hearing it is observed that since it is very sensitive matter, affidavit should be from Chief Administrator, GMADA. Therefore, it is directed that a similar affidavit should be submitted by the Public Authority on the next date of hearing. A copy of the affidavit, submitted by the PIO, is handed over to the complainant, for his observations, if any.

5. To come up on **08.02.2018** **at** **11.30 A.M.** **for further proceedings.**

 **Sd/-**

**Dated : 27.12.2017 ( S.S. Channy)**

 **Chief Information Commissioner Punjab.**

**CC: Shri Ravi Bhagat, IAS,**

 **Chief Administrator,**

 **GMADA, PUDA Bhawan, Mohali.**

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Shri Navdeep Gupta,

Kothi No.455, Gillco Valley,

Kharar, District SAS Nagar-140301. --------Appellant

 **Vs.**

Public Information Officer

o/o Deputy Commissioner of Police,

Amritsar.

First Appellate Authority,

O/o Commissioner of Police,

Amritsar. -------Respondents

**Appeal Case No. 2535 of 2017**

Present:- None for the appellant.

Shri Narinder Singh, Assistant Commissioner of Police (Central), Amritsar, on behalf of the respondents.

**ORDER**

 The case was last heard on 26.10.2017, when the representative of the respondents filed para-wise reply to the queries of the information seeker vide their letter dated 24.10.2017, which was taken on record and a copy of the same was handed over to the appellant. In the reply it has been mentioned that Operation Blue Star was held in the year 1984 by the Army and the post mortem of Sant Jarnail Singh Bhindranwala was conducted under their supervision. So record pertaining to his body may be available with them only. It has also been mentioned that local police had no role and the operation was done by the Army only and thus no record is available with

Contd……p/2

**AC - 2535 of 2017 -2-**

the State of Punjab. The appellant sought adjournment to enable him to file his rejoinder. The case was adjourned for today.

2. Today, the complainant is not present. However, a letter dated

22.12.2017 has been received from him informing that he cannot attend hearing due to

personal reasons. He has further informed that he has already finished his pleadings and a copy of the same has been sent to the PIO by registered post but to date he has not received any rejoinder.

3. Shri Narinder Singh, Assistant Commissioner of Police (Central), Amritsar, appearing on behalf of the respondents, submits a letter No. 6577/CPC, dated 22.12.2017 from DCP-cum-PIO, Amritsar City vide which it has been informed that the reply has already been provided to the complainant vide letter No. 5331-C.P.C., dated 24.10.2017 and no more information in this regard is available with them. Accordingly, the complainant is directed to send his observations, if any, on the provided information to the PIO, with a copy to the Commission.

4. To come up on **08.02.2018 at 11.30 A.M. for further proceedings.**

  **Sd/-**

**Dated : 27.12.2017 ( S.S. Channy)**

 **Chief Information Commissioner Punjab**

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Shri Navdeep Gupta,

Kothi No.455, Gillco Valley,

Kharar, District SAS Nagar-140301. --------Complainant

 **Vs.**

Public Information Officer

o/o Deputy Commissioner,

Amritsar.

Public Information Officer

o/o Deputy Commissioner of Police,

Amritsar. -------Respondent

**Complaint Case No. 967 of 2017**

Present:- None on behalf of the complainant.

Shri Narinder Singh, Assistant Commissioner of Police (Central), Amritsar, on behalf of the respondents.

**ORDER**

 The case was last heard on 26.10.2017, when the representative of the respondents filed para-wise reply to the queries of the information seeker vide their letter dated 24.10.2017, which was taken on record and a copy of the same was handed over to the complainant. The complainant sought adjournment to enable him to file his rejoinder. Accordingly, the complainant was advised to file his reply in the Commission as early as possible with a copy to the respondents, who would supply complete information to the complainant after removing the deficiencies, if any. The case was adjourned for today.

2. Today, the complainant is not present. However, a letter dated

Contd……p/2

**CC - 967 of 2017 -2-**

22.12.2017 has been received from him informing that he cannot attend hearing due to

personal reasons. He has further informed that he has already finished his pleadings and a copy of the same has been sent to the PIO by registered post but to date he has not received any rejoinder.

3. Shri Narinder Singh, Assistant Commissioner of Police (Central), Amritsar, appearing on behalf of the respondents, submits a letter No. 6602/CPC, dated 23.12.2017 from DCP-cum-PIO, Amritsar City vide which it has been informed that the available information/reply has already been provided to the complainant vide letter No. 5328-C.P.C., dated 24.10.2017 and no more information in this regard is available with them. Accordingly, the complainant is directed to send his observations, if any, on the provided information to the PIO, with a copy to the Commission.

4. To come up on **08.02.2018 at 11.30 A.M. for further proceedings.**

  **Sd/-**

**Dated : 27.12.2017 ( S.S. Channy)**

 **Chief Information Commissioner Punjab**

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Shri Navdeep Gupta,

Kothi No.455, Gillco Valley,

Kharar, District SAS Nagar-140301. --------Complainant

 **Vs.**

Public Information Officer

o/o Deputy Commissioner,

Amritsar. -------Respondent

**Complaint Case No. 966 of 2017**

Present:- None on behalf of the complainant as well as the respondents.

**ORDER**

 The case was last heard on 26.10.2017, when the representative of the respondent informed that the complainant had been informed vide letter dated 16.10.2017 that the information sought by him was not available in their office. The complainant sought adjournment to enable him to file his rejoinder. The case was adjourned for today.

2. Today, the complainant is not present. However, a letter dated

22.12.2017 has been received from him informing that he cannot attend hearing due to

personal reasons.

3. Since the complainant is not present, he is again directed to send his rejoinder, if any, to the Commission and to the PIO for final hearing on the next date of hearing.

Contd…….p/2

**CC - 966 of 2017 -2-**

4. Besides, the PIO is directed to submit a certificate on the next date of hearing to the effect that the sought information is not available in their office. It is also directed that this certificate should not come from DRO alone, rather it should be from the Deputy Commissioner as Public Authority or at least from the head of the concerned Branch.

5. To come up on **08.02.2018 at 11.30 A.M. for further proceedings.**

  **Sd/-**

**Dated : 27.12.2017 ( S.S. Channy)**

 **Chief Information Commissioner Punjab**

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Shri Navdeep Gupta,

Kothi No.455, Gillco Valley,

Kharar, District SAS Nagar-140301. --------Complainant

 **Vs.**

Public Information Officer

o/o Deputy Commissioner of Police,

Amritsar. -------Respondent

**Complaint Case No. 961 of 2017**

Present:- Shri Navdeep Gupta, appellant, in person.

Shri Narinder Singh, Assistant Commissioner of Police (Central), Amritsar, on behalf of the respondents.

**ORDER**

 The case was last heard on 26.10.2017, when the representative of the respondent filed reply to the queries of the information seeker vide their letter No. 5325, dated 24.10.2017, which was taken on the record and a copy of the same was handed over to the complainant. The complainant requested for an adjournment to enable him to file his rejoinder. The case was adjourned for today.

2. Today, the complainant is not present. However, a letter dated 22.12.2017 has been received from him informing that he cannot attend hearing due to personal reasons. He has further informed that he has already finished his pleadings and a copy of the same has been sent to the PIO by registered post but to date he has not received any rejoinder.

Contd……p/2

**CC - 961 of 2017 -2-**

3. Shri Narinder Singh, Assistant Commissioner of Police (Central), Amritsar, appearing on behalf of the respondents, submits a letter No. 6583/CPC, dated 22.12.2017 from DCP-cum-PIO, Amritsar City vide which it has been informed that the available information/reply has already been provided to the complainant vide letter No. 5325-C.P.C., dated 24.10.2017 and no more information in this regard is available with them. Accordingly, the complainant is directed to send his observations, if any, on the provided information to the PIO, with a copy to the Commission.

4. To come up on **08.02.2018 at 11.30 A.M. for further proceedings.**

  **Sd/-**

**Dated : 27.12.2017 ( S.S. Channy)**

 **Chief Information Commissioner Punjab**

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Shri Naresh Devgan Sharma,

Advocate, Chamber No.7022/2,

District Court Complex,

Ludhiana. --------Appellant

 **Vs.**

Public Information Officer

o/o Ld. Chief Judicial Magistrate, Ludhiana.

First Appellate Authority,

O/o Chief Judicial Magistrate, Ludhiana.

Public Information Officer –cum- Reader,

Judicial Magistrate First Class(Shri Jai Bir Singh),

Judicial Courts, Payal, Ludhiana. -------Respondents

**Appeal Case No. 2155 of 2017**

Present:- None on behalf of the appellant as well as the respondents.

**ORDER**

 In this case during hearing on 24.08.2017, the representative of the respondents informed that the RTI application of the appellant had been transferred to Shri Sanjay Kumar, Reader-cum-PIO, Court of ACJSD, Payal, Ludhiana under Section 6(3) of the RTI Act, 2005 but till date no reply had been received from him. Accordingly, Shri Sanjay Kumar, Reader-cum-PIO, Court of ACJSD, Payal, Ludhiana (Shri Jai Bir Singh) was impleaded as a necessary party and he was directed to furnish reply/information to the appellant within 10 days, with a copy to the Commission.

Contd……p/2

**AC - 2155 of 2017 -2-**

2. The respondent had brought replies on behalf of PIO-cum-Chief Judicial Magistrate, Ludhiana and First Appellate Authority for handing over to the appellant, who was not present. Accordingly, he was directed to send, both the replies brought by him, to the appellant, by registered post. Besides, he was also directed to supply a copy of the letter vide which the RTI application of the appellant was transferred to Shri Sanjay Kumar, Reader-cum-PIO, Court of ACJSD, Payal, Ludhiana (Shri Jai Bir Singh), to the appellant for his information and necessary action. Accordingly, both the First Appellate Authority-Shri Jaap Inder Singh, Chief Judicial Magistrate, Ludhiana and respondent-PIO of his court were exempted from appearance on the next date of hearing. The case was adjourned to 14.09.2017 and postponed to 12.10.2017 and then further postponed to 07.11.2017, due to certain administrative reasons.

3. On07.11.2017, the appellant was not present. However, a letter dated 06.11.2017 was received from him through e-mail informing that he was unable to attend hearing due to urgent hearing of cases at District Courts at Ludhiana. He requested to adjourn the case to some other date.

4. Shri Sanjay Kumar, Reader-cum-PIO, Court of ACJSD, Payal, Ludhiana (Shri Jai Bir Singh) was also not present. However, he informed vide letter dated 07.11.2017, received through e-mail, to exempt him from personal appearance as he had to appear in the court of Shri R. K. Beri, Ld. Addl. Sessions Judge-cum-Inquiry Officer, Ludhiana in a complaint case filed by Shri Naresh Devgan Sharma. Accordingly,

Contd……p/3

**AC - 2155 of 2017 -3-**

he was directed to supply the requisite information to the appellant before the next date of hearing, with a copy to the Commission. The case was adjourned for today.

5. Today, appellant is not present. However, he has requested vide letter dated 17.12.2017, received through e-mail, that immediate directions be given to Shri Sanjay Kumar, PIO, to supply the relevant information to him without further delay.

6. Shri Sanjay Kumar, Reader-cum-PIO, is not present without any intimation. Viewing his callous attitude seriously, he is directed to supply the requisite information to the appellant before the next date of hearing. He is also directed to explain reasons, in person, on the next date of hearing as to why a Show-Cause Notice should not be issued to him for imposing penalty upon him and awarding suitable compensation to the appellant.

7. To come up on **08.02.2018**  **at 11.30 A.M.** **at Chandigarh for further proceedings.**

  **Sd/-**

**Dated : 27.12.2017 ( S.S. Channy)**

 **Chief Information Commissioner Punjab**

**CC: Shri Sanjay Kumar, Reader-cum-PIO, REGISTERED**

**and Examiner(Copy Agency),**

**Court of Judicial Magistrate First Class,**

**(Shri Jai Bir Singh),**

**Judicial Courts, Payal, Ludhiana.**

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Shri Gurdip Singh s/o Shri Chanan Singh

r/o #215, Ajit Nagar, Sultan Wind Road,

Sri Amritsar Sahib. --------Appellant

 **Vs.**

Public Information Officer

o/o Town Planner, Municipal Corporation,

Sri Amritsar Sahib.

First Appellate Authority,

O/o Commissioner, Municipal Corporation,

Sri Amritsar Sahib. -------Respondents

**Appeal Case No. 1211 of 2017**

Present:- Shri Gurdip Singh, appellant, in person.

 None on behalf of the respondents.

**ORDER**

 The case was last heard on 07.11.2017, when none was present on behalf of the appellant as well as the respondents. However, a letter dated 07.11.2017 was received from the appellant informing that Assistant Town Planner, Municipal Corporation, Amritsar had supplied him a copy of Lay-out Plan but copy of Schedule of Classes had not been provided as yet. Accordingly, the PIO and the deemed PIO were directed to supply the remaining information to the appellant within 30 days and in case any information was not available in their record, then a written submission to this effect be made on the next date of hearing. The case was adjourned for today.

2. Today, the appellant submits a letter dated 18.12.2017 in which he has

Contd……p/2

**AC - 1211 of 2017 -2-**

narrated the sought information vis-à-vis the status of the provided information, which is taken on record.

3. None is present on behalf of the respondents. However, a letter dated 26.12.2017 has been received from Smt. Krishna Kumari, Assistant Town Planner-cum-PIO, Municipal Corporation, Amritsar through e-mail informing that this case falls under the jurisdiction of Shri Jagdev Singh, Assistant Town Planner-cum-PIO and is being dealt with by him. She has requested that she may be exempted from her personal appearance and instead Shri Jagdev Singh , may be directed to supply the information. Accordingly, a copy of letter dated 18.12.2017, submitted by the appellant, is sent to Shri Jagdev Singh, Assistant Town Planner-cum-PIO, Municipal Corporation, Amritsar with the directions that requisite information be supplied to the appellant before the next date of hearing. He is also directed to explain the factual position of the case, in person, and bring the relevant record on the next date of hearing so that complete information could be provided to the appellant without any further delay.

4. To come up on **08.02.2018 at 11.30 A.M. for further proceedings at Chandigarh.**

  **Sd/-**

**Dated : 27.12.2017 ( S.S. Channy)**

 **Chief Information Commissioner Punjab**

**CC: Shri Jagdev Singh, REGISTERED Assistant Town Planner-cum-PIO,**

 **Municipal Corporation, Amritsar.**

**Encl. Copy of letter dated 18.12.2017 from the appellant**

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Shri Jasmeet Singh

s/o Shri Rajinder Singh,

H.No.449, New Jawahar Nagar,

Jalandhar. --------Complainant

 **Vs.**

Public Information Officer

o/o Commissioner of Police,

Jalandhar. -------Respondent

**Complaint Case No. 512 of 2017**

Present:- Shri Jasmeet Singh, Complainant, in person.

Shri Basant Singh, ASI, on behalf of the respondent.

**ORDER**

 The case was last heard on 07.11.2017, when none was present on behalf of the complainant as well as the respondent. However, a letter No. 9A-II/RTI, dated 09.10.2017 was received from Shri Rajinder Singh, P.P.S., Deputy Commissioner Police-cum-PIO, Jalaandhar through e-mail, reiterating that reply has already been sent to the complainant vide letter No. 9A-1/RTI, dated 29.06.2017 stating that cancellation report is pending with Commissioner of Police, Jalandhar for approval, in the absence of which requisite information cannot be supplied to the complainant under Section 8(1)(h) of RTI Act, 2005. Accordingly, the PIO was again directed to supply the requisite information to the complainant before the next date of hearing. The case was adjourned for today.

Contd…….p/2

**CC - 512 of 2017 -2-**

2. Today, Shri Basant Singh, ASI, appearing on behalf of the respondent, submits a letter No. 9A-III RTI, dated 26.12.2017 from Shri Rajinder Singh, P.P.S., Deputy Commissioner Police-cum-PIO, Jalandhar vide which it has been informed that after obtaining approval from Commissioner Police, Jalandhar, cancellation report in this case will be filed in the Court and as such sought information cannot be supplied to the complainant at this stage. Accordingly, it is directed that after filing cancellation report in the court, the requisite information be provided to the complainant.

3. To come up **08.02.2018 at 11.30 A.M. at Chandigarh for further proceedings.**

  **Sd/-**

**Dated : 27.12.2017 ( S.S. Channy)**

 **Chief Information Commissioner Punjab**

**PUNJAB STATE INFORMATION COMMISSION**

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Shri Kartar Singh

s/o Shri Nirmal Singh, #3013,

Hargobindpur, Wadali Road,

Chhehratta, Amritsar --------Complainant

  **Vs.**

Public Information Officer

o/o Director Land Records, Punjab,

Kapurthala Road, Jalandhar.

Public Information Officer-cum-

Tehsildar, Amritsar-2. -------Respondents

**Appeal Case No. 575 of 2017**

Present:- Shri Kartar Singh, appellant, in person.

Shri Maninder Sidhu, Tehsildar Amritsar-II and Shri Sukhminder Kumar, Senior Assistant, on behalf of the respondents.

**ORDER**

 The case was last heard on 07.11.2017, when the representative of the respondents informed that the relevant record had been got inspected by the complainant and the Sale Certificate was not available in the record. Accordingly, the respondent PIO was directed to give a specific reply to the appellant regarding the said property. Besides, Shri Maninder Singh Sidhu, Tehsildar, Amritsar-2 was directed to submit his reply regarding the Sale Certificate alongwith reply to the Show-Cause Notice issued to him, failing which action under the provisions of RTI Act, 2005 would be initiated against him. The case was adjourned for today.

Contd…….p/2

**AC - 575 of 2017 -2-**

2. Today, the respondent submits a letter No. A.R./RTI/5487/13887, dated 22.12.2017 from Superintendent-cum-APIO, office of Deputy Director, Land Record-cum-PIO, Jalandhar, addressed to the complainant, with a copy endorsed to the Commission vide which the complainant has been informed that the requisite record is not available in their office.

3. Shri Maninder Sidhu, Tehsildar Amritsar-II submits a letter stating that Sale Certificate pertaining to property 1 S to 12 S, Chheharta, Amritsar issued on 18.12.1963 is not available in Sale Branch, Amritsar. A copy of this letter is handed over to the complainant. Besides, he gives reply to the Show-Cause Notice issued to him. The plea put forth by him is accepted and therefore, the Show-Cause Notice issued to him is dropped.

4. In view of the facts stated above, the instant case is **disposed of and closed.**

  **Sd/-**

**Dated : 27.12.2017 ( S.S. Channy)**

 **Chief Information Commissioner Punjab**