

# PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864111, Visit us @ [www.infocommpunjab.com](http://www.infocommpunjab.com),

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## REGISTERED / SPEED POST

**Sukhwinder Singh,**  
S/o Late Balbir Singh,  
Village Gill,  
Tehsil & District Ludhiana.

Versus

**Public Information Officer,**  
o/o Greater Ludhiana Area Development Authority (GLADA),  
PUDA Complex, Ferozpur Road, District Ludhiana.

**First Appellant Authority,**  
o/o Chief Administrator, Greater Ludhiana Area Development Authority (GLADA),  
PUDA Complex, Ferozpur Road, District Ludhiana.

### Appeal Case No. 2673 of 2020

ORDER:

(To be read in continuity with earlier orders on **24.12.2020** and **25.2.2021**)

1. The RTI application is dated **19.3.2020 (through Single Window)** vide which the appellant has sought information as under:

**1] Details of *Khasra* numbers where GLADA is proposing to develop GLADA estate Sua Road, near Keys Hotel, Ludhiana.**

**2] Documents regarding the aforesaid land, including *jamabandis*, title deeds.**

**3] Whether bookings have been done by GLADA of the aforesaid site? If yes, the details of the names and addresses of those persons, including the dates of bookings and the documents executed regarding those bookings.**

**4] Whether any sale deed has been executed or not regarding the aforesaid land? If yes, the documents of the same.**

The APIO GLADA, vide his/her order of 2.7.2020 declined the appellant's RTI application on the grounds that the requested information pertained to "third parties" who have declined its disclosure to the appellant.

Aggrieved by the APIO's decision, the appellant filed a First Appeal to the First Appellant Authority-cum-Additional Chief Administrator GLADA on 21.7.2020 (diarized at No. 1635 dated 23.7.2020). The FAA fixed hearings of the First Appeal for 13.8.2020, 3.9.2020, 15.9.2020, but failed to give a decision within the stipulated time period.

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Once again aggrieved, the appellant filed a Second Appeal (dated 14.9.2020) to this Commission on 18.9.2020 under Section 19 of the Right to Information Act, 2005. The Commission thereafter issued a Notice of Hearing for 24.12.2020.

2. At the **First Hearing** of this Appeal Case, on 24.12.2020, the respondent PIO, represented by Manjit Singh, Assistant Town Planner GLADA, contended that the information requested pertains to a “third party” who has submitted in writing that the said information must not be disclosed to the appellant. The respondent stated that the appellant was so informed vide Letter No. 41 dated 2.7.2020 and Letter No. 808 dated 22.12.2020. During the hearing, the appellant informed this Commission that subsequent to the filing of his Second Appeal, the FAA-cum-Additional Chief Administrator GLADA has ordered (on 12.10.2020) the respondent PIO to supply the requested information before 25.10.2020.

Following deliberations at the hearing, the Commission directed the respondent PIO to submit copies of the letter from the afore mentioned “third party” and the two replies sent to the appellant. The appellant was also requested to submit a copy of the FAA’s Order of 12.10.2020.

3. At the **Second Hearing** on 25.2.2021, the respondent PIO, represented by Manveer Singh, Planning Officer GLADA, as directed, submitted copies of the letter signed by “third parties” as well as the replies sent to the appellant. The appellant too, as requested, submitted a copy of the FAA’s Order of 13.10.2020 for the Commission’s consideration.

Notably, the respondent also submitted a copy of another Order (dated 9.2.2021 and endorsed vide No. 1242 to 1. PIO GLADA; 2. Assistant Planning Officer, Project Branch GLADA; and Sh. Sukhwinder Singh, the appellant) by the FAA-cum-Additional Chief Administrator GLADA. The aforesaid Order, which was issued after the Second Appeal was already being heard in the Commission, sought to, unlawfully, revise his earlier Order of 12.10.2020 directing the PIO GLADA to supply the requested information before 25.10.2020. The FAA’s ‘revised’ Order of 9.2.2021, as per a certified translation, reads as under:

“ ...

*1. This RTI Appeal was decided by the undersigned on 12.10.2020. The copy of this decision was sent to concerned vide Letter No. 7668-69 dated 13.10.2020.*

*Noe ATP (Project Branch) GLADA and PIO GLADA has informed this office vide noting page-5 that the landowners requested that their personal documents and the record pertaining to ownership of land concerned with GLADA Estate 80:20 Scheme should not be supplied to any third party.*

*That approving the report of ATP (Project Branch) GLADA and PIO GLADA, appeal is consigned to office and the Order dated 12.10.2020 of this RTI appeal is revised as per aforesaid order.*

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## Appeal Case No. 2673 of 2020

The aforesaid Order constitutes a serious error of judgement on part of the FAA-cum-Additional Chief Administrator GLADA. **This Commission recommends that the matter be taken by the Secretary Housing & Urban Development Punjab and the Chief Administrator GLADA, for appropriate action. The same to be communicated to this Commission before 1.5.2021.**

Besides the above, an examination of the document / copy submitted by the respondent by way of the letter signed by the claimed “third parties” to refuse disclosure of the requested information, is diarized at No. 3363 PA/ Add. Chief Administrator GLADA on 23.12.2020, which is well after this Commission issued a Notice for Hearing (on 12.11.2020) for 24.12.2020. Furthermore, the aforesaid letter bears no names or addresses of the sender/senders, and has only a few hastily scribbled and illegible signatures. It is also evident that the two replies (Letter No. 41 dated 2.7.2020 and Letter No. 808 dated 22.12.2020) to the appellant, declining his RTI application, constituted a unilateral decision by the PIO GLADA, and were not based on any representation made by the claimed “third parties”.

It must also be noted here that the RTI Act, 2005 stipulates specific procedure on dealing with third party information in Section 11, which reads as under:

### **11. Third party information**

*(1) Where a Central Public Information Officer or a State Public Information Officer, as the case may be, intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within five days from the receipt of the request, give a written notice to such third party of the request and of the fact that the Central Public Information Officer or State Public Information Officer, as the case may be, intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information:*

*Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.*

*(2) Where a notice is served by the Central Public Information Officer or State Public Information Officer, as the case may be, under sub-section (1) to a third party in respect of any information or record or part thereof, the third party shall, within ten days from the date of receipt of such notice, be given the opportunity to make representation against the proposed disclosure.*

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## Appeal Case No. 2673 of 2020

*(3) Notwithstanding anything contained in section 7, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within forty days after receipt of the request under section 6, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information or record or part thereof and give in writing the notice of his decision to the third party.*

*(4) A notice given under sub-section (3) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal under section 19 against the decision.*

It is more than evident from the correspondence submitted in this Appeal Case, that the respondent PIO failed to follow any of the procedures so clearly stipulated in the RTI Act. In fact, there is nothing on file to show that the respondent PIO made any attempt to give notice to the claimed “third parties” about the request made in the appellant’s RTI application. Also, the above-mentioned letter submitted by the respondent PIO, wherein the claimed “third parties” purportedly refused disclosure of the requested information, appears to be concocted and was included in the PIO’s records, nine long months after the RTI application was received.

Following from the above, the Commission duly recorded its view that the “respondents have not been able to demonstrate their contention that the requested information pertains to Third Party/Parties and therefore exempt from disclosure”.

Consequently, the respondent PIO was directed to submit a written reply to all four points of the RTI application alongside attested copies of all the information requested therein, including any sale deeds / *jamabandis*, as available in the record”. The PIO GLADA was ordered to submit the aforesaid reply and information to the Commission in a sealed cover, before the next hearing, slated for 11.6.2021.

4. In the interim, the appellant, who claims an interest in the property being developed by GLADA as GLADA Estate situated near Keys Hotel, Sua Road Ludhiana on the basis of a registered will, approached the Hon’ble Punjab & Haryana High Court by way of a writ petition (CWP No. 5311/2021). The appellant sought time-bound adjudication of his Second Appeal, pending before this Commission.

5. In a decision dated 5.3.2021, the Hon’ble **Mrs. Justice Meenakshi I. Mehta** directed this Commission (Respondent No. 1 – State Information Commissioner, Punjab State Information Commission, Chandigarh – in CWP No. 5311 of 2021) as under:

*“... to consider and decide the said application (Second Appeal) of the petitioner, in accordance with law/relevant rules, within a period of one month from the date of receipt of the certified copy of this Order. ...”*

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## Appeal Case No. 2673 of 2020 (Video Conference Proceedings)

6. The office of this Bench made multiple telephonic calls to the PIO GLADA at Ludhiana seeking early compliance of the Commission's Order of 25.2.2021, wherein the said PIO was directed to submit a written reply to the RTI application along with attested copies of all the requested information, in a sealed cover. This was to ensure compliance with the Hon'ble High Court's direction (paragraph 5). Notably, the PIO GLADA has failed to deposit the aforesaid reply and information despite several reminders on telephone.

7. In addition to complying with the aforesaid directions, the respondent PIO is also directed herewith to **SHOW CAUSE** as to why a penalty should not be imposed upon him under Section 20(1) of RTI Act, 2005, for causing willful delay/denial of the information requested by the appellants as far back as on 19.3.2020.

“In addition to the written reply, the respondent PIO is also given an opportunity under Section 20 (1) *provision* 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*.”

8. Also, to comply with the direction of the Hon'ble High Court, the next hearing of this Appeal Case, earlier slated for 11.6.2021, stands **preponed** to 15.4.2021. The respondent PIO is directed to ensure compliance with this Commission's Order of 25.2.2021, before then.

## 9. Next hearing on 15.4.2021 via Video Conference Facility in the office of the Deputy Commissioner, Ludhiana

Sd/-  
**(ASIT JOLLY)**  
State Information Commissioner

Chandigarh  
30.3.2021

Cc:

- 1] Secretary, Housing & Urban Development, Punjab
  - 2] Chief Administrator, Greater Ludhiana Area Development Authority (GLADA)
- For compliance of the direction vide Paragraph No. 3 of this Order*