

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.

Ph: 0172-2864101, Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com



Sh.Sham Sunder,

S/o Sh. Nand Lal,

C – 85, New Cantt. Road,

Faridkot - 151203

(M.- 6239244597)

.....Appellant

Vs

Public Information Officer,

O/o The General Manager,

District Industries Centre,

Ferozepur (Punjab)

First Appellate Authority

O/o The Director,

Industries & Commerce, Pb.,

17 Bays Building,

Sector 17, Chandigarh

.....Respondents

Appeal Case No. 5787 of 2023

ORDER:

This order may be read with reference to the previous order dated 27.11.2024 vide which the case was reserved to be pronounced.

2. The appellant sought the following information:

“please provide complete record of physical verification report in case of beant kaur in PMEGP case and action taken thereafter on the report send by KVIC state office Chandigarh to DIC Ferozepur (copy of letter of KVIC in which they have confirmed having send the report to DIC alongwith details of the case is attached herewith for your n/action). Please also provide the record vide which permission granted to PNB for appropriate subsidy in the account. Also provide the copy of all the physical verification report received by your office from state office of KVIC since inception of PMEGP scheme alongwith action taken if any and copy of record vide which permission was granted to financing institution of appropriate subsidy”.

3. The respondent present during the last hearing reiterated the submissions already made by the office dated 29.03.2024 and the relevant portion of the same is reproduced below:

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Respected Sir above Appeal is pending before this Hon'ble State Information Commissioner and next date of proceeding is schedule on dated- 20-03-2024 in reference to the proceeding held on dated 31.01.2024. This Hon'ble Commission has issued directions in Para No.04 which is reproduced as under:-

"In view of the above the Appellant is advised to point out deficiencies in writing to the PIO within week, and the PIO is also directed to remove the deficiencies, if any, received from the appellant and supply, rectified information, under intimation to the Commission, before the next date of hearing. However, the respondent is exempt from the personal hearing on the next date of hearing."

At the outset, it is submitted that no deficiencies in written form or verbally has been received from the appellant by this office till date.

In addition to the above, it is also submitted that the information sought by the appellant is third Party information which does not belong to the appellant. It is also brought in to the notice of Hon'ble Commission that during the proceedings of the hearing dated:31.01.2024 before this Hon'ble Commission, the applicant was also advised by the Hon'ble commission to specify/justify that the information is not related to third party. But no submission has been submitted by appellant.

It is suffice to state that after re-examining the application of the appellant this office has observed that the requisite does not belong to this office neither this office maintains such record is being maintained by this office. The appellant wide his application 78591 has sought as under:-

" Please provide complete record of physical verification report in case of beant kaur in PMEGP case nad action taken thereafter on the report send by KVIC state office Chandigarh to DIC Ferozepur (Copy of the letter of KVIC in which they have confirmed having send the report to DIC alongwith details of the case is attached herewith for your n/action). please also provide the record vide which permission granted to PNB for appropriate subsidy in the account

Also provide the copy of all the physical verification report received by your office from state office of KVIC since inception of PMEGP scheme along with action taken if any and copy of record vide which permission was granted to financing institution of appropriate subsidy."

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Appeal Case No. 5787 of 2023

For Kind consideration of this hon'ble commission the relevant guidelines of PMEGP scheme specifically quoted as under:-

Physical verification of PMEGP Units

"100% physical verification with geo-tagging of the actual establishment and working status of each of the units, set up under PMEGP, including those assisted by other IAs, will be done by KVIC, through the third-party agencies having expertise in this area, following the prescribed procedures as per General Financial Rules (GFR) of Government of India. Banks, DICs, KVIBs and other IAs will coordinate and assist KVIC in ensuring 100 % physical verification. A suitable mechanism will be devised by KVIC for such physical verification of units. Periodical reports, in the prescribed format will be submitted by KVIC to the Ministry of MSME. The establishment of unit shall be considered after six months from the date of release of first installment by the Financing Bank. Physical verification process should start after two years from the date of establishment of unit and should be completed before the completion of lock in period of 3 years. After completion of physical verification and lock in period of 3 years, the IAs shall issue an MM adjustment letter to the Financing Banks based on the outcome of physical verification report. The Financing Banks will only adjust the Margin Money (subsidy) on receipt of the adjustment letter from the concerned IA. The Financing Bank is not authorized to adjust the Margin Money (subsidy) before the mandatory lock in period of 3 years as well as without adjustment letter from the concerned IA. The Financing Banks shall remit back the call back Margin Money (subsidy) to KVIC through a proper accounting system. KVIC shall develop a mechanism for the same."

It is submitted that the information sought by the appellant is available on the website www.kviconline.gov.in which can be accessed by the concerned applicant/beneficiary and the information sought is personal information and also exempted under clause 08 of RTI Act 2005. As per statutory provisions the information cannot be created. So humbly submitted that considering the above fact the appeal be dismissed on merits.

It is also requested that respondent (undersigned) has been exempted from physical hearing on dated: 23.02.2024. It is also requested that the undersigned be exempted from upcoming physical hearing on dated 20-03-2024 due to Election work. It is also requested that webex links shall be shared on gmdicfzr@gmail.com or whatsapp No. 98888-80556 (Sukhminder Singh Rekhi, PIO-cum-GM) or whatsapp no. 78143-09416 (Vishaydeep Functional Manager)

He also submits that information as available on record has already been supplied to the appellant and nothing more is available on record in the office of District Industries Centre Ferozpur which could be supplied to the appellant.

4. The appellant is absent but he has made the submissions that his case be decided on merit on the basis of the submissions sent by him.

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5. It is also a fact that the appellant remained absent consecutively third time. However the respondent is present from Ferozepur. It is also a fact that the respondent filed the written reply, mentioned herein and also made the submissions categorically that the information as available on record has already been supplied and nothing more is available in their official record, which could be supplied to the appellant. The respondent also requested to close the case.
6. It is appropriate to mention the decision of the Hon'ble Supreme Court of India in Civil Appeal No. 6454 of 2011 Central Board of Secondary Education Vs Aditya Bandopadhyay and ors. and the relevant portion of the same is reproduced below:-

“At this juncture, it is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of ‘information’ and ‘right to information’ under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non available information and then furnish it to an applicant.”

7. However, the appellant is at liberty to file the RTI application to the concerned public authority afresh, as per the provisions of the RTI Act, 2005, in case he intends to get any further information
8. Keeping in the view the submissions made by the respondent, mentioned herein, the Commission is of the view that no further directions can be given to the respondent public authority, as per the provisions of the RTI Act, 2005. Hence, the case is **disposed of & closed**.

Date:23.12.2024

(Inderpal Singh)
Chief Information Commissioner
Punjab