

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864111, Visit us @ www.infocommpunjab.com,
Email: psic21@punjabmail.gov.in, RTI Helpline - 0172-2864100



Ms. Neha # 180,
Vardhman Park, Chandigarh Road,
Ludhiana.

Versus

Sh. Sandeep Rishi,
Commissioner,
Municipal Corporation, Ludhiana.

Dr. Sheena Aggarwal,
Commissioner,
Municipal Corporation, Ludhiana.

Sh. Sunil Kumar,
Public Information Officer-cum-Assistant Town Planner,
(Under Suspension) Zone B,
Municipal Corporation, Ludhiana.
Public Information Officer-cum-Assistant Town Planner,
Zone-B, O/o Municipal Corporation,
Ludhiana.

First Appellate Authority,
Commissioner,
Municipal Corporation, Ludhiana.

Appeal Case No. 1822 of 2023

PRESENT:

Naveen (for the Appellant)
Satinder Sharma, Head Draftsman (for the Respondent) 97800-39611

ORDER:

(To be heard in continuity with earlier orders on 28.04.2023, 25.05.2023, 28.06.2023, 22.09.2023, and 24.11.2023)

1. The RTI application is dated **22.12.2020** vide which the appellant has sought information regarding "**Project of Vardhman Park, Ludhiana of Mrs. Vardhman Polytex, Ludhiana.**" as enumerated in her RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **12.01.2023** and Second Appeal was filed in the Commission on **11.05.2023** under Section 19 of the Right to Information Act, 2005. This case was last heard on **24.11.2023**.

2. Both parties are present. As directed at the last Hearing the PIO has submitted a copy of report detailing the sequence of event since this RTI application was filed. As per said report Sh. Sunil Kumar, PIO-cum-ATP (under suspension) is responsible for providing false information to the appellant vide Letter No. 1979 Dated 13.12.2022.

3. In view of the above, the Commission deems it appropriate to impose a penalty of Rs. 25000.00 upon Sh. Sunil Kumar, ATP.

Order: Keeping all the facts of the case in mind, this is a fit case to invoke Section 20 of RTI Act and impose a penalty on the respondent PIO Section 20(1), which reads as under:

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“Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub Section (1) of Section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of 250/- Rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed Twenty Five Thousand Rupees;

Provided that the Central Public Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him;

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Information Officer, as the case may be.”

The onus and responsibility lie on the PIO to ensure the transmission of the complete information to the appellant. The **PIO-cum-ATP, Sh. Sunil Kumar**, is hereby held guilty for not providing the information on time as prescribed under Section 7, which is within 30 days of the receipt of the request and for repeated and willful defiance of the Punjab State Information Commission's orders.

A penalty of **Rupees Twenty Five Thousand (Rs. 25000.00)** is hereby imposed upon the **PIO-cum-ATP, Sh. Sunil Kumar**, which be deducted from his salary and deposited five equal monthly installments in the Punjab Government Treasury under head **“0070-Other Administrative Services-60-other Services-800-Other Receipts-86-Fees Under the Right to Information Act.”** The **PIO-cum-ATP, Sh. Sunil Kumar**, is directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan **at the next hearing of this Appeal Case**. Copies of this order be sent to the parties through registered post.

4. The Commission also deems it appropriate to award a Compensation to the appellant Smt. Neha, for the harassment and determent caused to her for no fault of her.

5. In view of the harassment and detriment caused to the appellant, **Smt. Neha**, this Commission deems it appropriate to award a **compensation of Rupees Fifteen Thousand (Rs. 15000.00)**. This is to be paid vide a crossed cheque / demand draft, by the Public Authority, in this instance, **the office of Municipal Corporation, Ludhiana**, within 15 days of receiving this Order. Proof of payment is to be submitted to this Commission.

6. The information sought in this RTI application was denied in a reply sent to the appellant vide Letter No. 1921 Dated 26.6.2023 under Section 8(1)(h) of the RTI Act, 2005, on the premise that the requested record is part of the enquiry ongoing with the Central Vigilance Office of the Department at Local Government. However, as per the appellant, the very information has been submitted in a Civil Court at Ludhiana where the mater pertaining to the Vardhman Park Project was being heard.

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7. Sh. Sandeep Rishi, has been impleaded as the deemed PIO in this Appeal Case vide this Commission's Order of 24.11.2022. Accordingly, Sh. Sandeep Rishi, Commissioner, Municipal Corporation, Ludhiana, is directed to provide a pointwise reply to the RTI application along with the information sought therein to the appellant. This must be done within 15 days of receipt of this Order.

8. **Next Hearing on 15.2.2024 at 11.00 AM at Punjab State Information Commission, Red Cross Building, Madhya Marg, Sector 16, Chandigarh.**

Sd/-

(ASIT JOLLY)

State Information Commissioner, Punjab.

Chandigarh

11.12.2023