



Sh. Rajnish Khosla, (8146170500)
R/o # 77 R, State Bank Colony,
White Avenue, Amritsar-143001

...Appellant

Versus

Public Information Officer,
O/o Municipal Corporation,
Town Planning Branch, Amritsar

First Appellate Authority
O/o Municipal Corporation,
Amritsar.

...Respondents

APPEAL CASE NO. 1031 OF 2021

PRESENT: **None for the Appellant**
 Sh.Pardeep Sehgal, ATP -APIO for the Respondent

ORDER:

The appellant through an RTI application dated 18.06.2020 has sought the copy of notice received from a court for property No.2402/X-9, Bazar Sirki, Amritsar, relating to the case titled Kamal Kumar V/s Rajan from the O/o the Municipal Corporation, Town Planning Branch, Amritsar. The appellant was not provided with the information after which the appellant filed the first appeal before the first appellate authority on 03.08.2020 which did not decide on the appeal.

The case has already been heard by Sh. Hem Inder Singh, State Information Commissioner on 02.06.2021, 19.08.2021 and 17.11.2021. During the hearing, the appellant claimed that the PIO has not supplied the information.

Since the respondent was absent on three consecutive hearings nor had provided the information, the PIO was issued **show cause notice on 17.11.2021** with the direction to file a reply on an affidavit as well as to provide the information to the appellant.

The case came up for hearing before this bench on 05.07.2022 through video conferencing at DAC Amritsar. The appellant claimed that the PIO has not supplied the information.

Shri Dhirj Kumar was present on behalf of the respondent-PIO who informed that since the information was not specific, the appellant was asked vide letter dated 01.06.2021 to specify the information but the appellant did not specify the same. The PIO also sent a reply to the show cause notice through email which was taken on record.

As per the appellant, he had already specified the information.

The reply of the PIO was found conflicting since as per the RTI application, it is clear that the appellant is seeking a copy of the notice that was received by the office of the MC, which means the information is in the custody of the MC. There is prima-facie evidence that the information was being denied.

The current PIO was directed to provide the information to the appellant within five days of the receipt of the order.

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As per information concluded at the hearing, Sh. Narinder Sharma was the PIO when the RTI application was filed and when the show cause notice was issued (now transferred and posted at MC, Moga). Shri Narinder Sharma, MTP-cum-PIO MC, Amritsar (now transferred and posted at MC, Moga) was given one last opportunity to file a reply to the show cause notice and also appear personally on the next date of hearing otherwise, it will be presumed that the PIO has nothing to say on the matter and the decision will be taken ex-party.

The case again came up for hearing before this Bench on 25.08.2022 through VC, which could be heard due to an internet problem, and the case was adjourned for 26.08.2022.

On the date of last hearing on **26.08.2022**, both the parties were absent.

Sh. Narinder Sharma who was the PIO when the RTI application was filed and when the show cause notice was issued (now transferred and posted at MC, Moga), was given the last opportunity during the hearing on 05.07.2022 to file reply to the show cause notice.

Since as per information, Sh. Narinder Sharma is under suspension in some other case, the Commission's show cause was kept in abeyance for the time being. The current PIO directed to comply with the earlier order of the Commission and provide all the remaining information to the appellant. For any violation of the earlier order, the responsibility shall rest on the current PIO.

Hearing dated 29.11.2022:

Sh. Pardeep Sehgal, ATP is present and informed that the sought information is not available in the building branch of the MC where the RTI application was filed. The respondent further stated that due to the shifting of staff and some of the staff being under suspension, including the earlier PIO Sh. Narinder Sharma and Sh. Iqbal Preet Singh Randhawa, none could appear at the hearings.

The respondent has also sent a reply dated 17.11.2022, which has been taken on the record. In the reply, it has been mentioned that since the record is being maintained as per diary/dispatch number and date, the appellant was asked by the earlier APIO-cum-ATP to specify the diary number etc. vide letter dated 01.06.2021 and again by earlier PIO-cum-MTP.

Further, the information that has been specified by the appellant is also not available in the building branch of the MC.

The appellant is absent on 2nd consecutive hearing nor is represented.

Since the information is not available in the record and the reply has already been sent by the PIO to the appellant no further interference from the commission is required on the matter. The show-cause issued to Sh. Narinder Sharma, who is currently under suspension is also dropped.

No further cause of action is required. The case is **disposed of and closed**.

Chandigarh
Dated: 29.11.2022

Sd/-
(Khushwant Singh)
State Information Commissioner