

Order-

Part -A The PIO is directed to bring the complete file regarding the information relating to point 1 to the Commission at the next date of hearing, alongwith an affidavit that the record that has been brought to the Commission is complete and no other record is available.

The PIO is directed to provide complete information regarding point-2.

Part-B

The Commission further observes that the First Appellate Authority has given the date of the personal hearing on 20.01.2022 and issued the letter for the same only on 19.01.2022, one day before. The letter as per the record reached the appellant on 22.01.2022, a day later than the scheduled hearing.

A similar occurrence has happened at the second instance as well. As per the presented record, a date for the second personal hearing was granted on 22.09.2022 whereas the letter was issued only on 19.09.2022, which reached the appellant on 23.09.2022.

There is prima-facie evidence that the information is being stalled at the higher level than the current PIO and the PIO is merely following the instructions of the higher authority.

I am invoking section 5(5) of the RTI Act by making the First Appellate Authority as the deemed PIO in this case and all liabilities and action shall be on the deemed PIO. Section 5 (5) reads the following -Any officer, whose assistance has been sought under sub-section (4), shall render all assistance to the Central Public Information Officer or State Public Information Officer, as the case may be, seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Central Public Information Officer or State Public Information Officer, as the case may be.

To come up for further hearing on **07.02.2023** at 11.00 through video conference facility available in the office of Deputy Commissioner, Fazilka. The PIO to appear at Chandigarh.

Chandigarh
Dated: 22.11.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
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Sh. Ankur Suri,
#2709-B, Sector 70,
Mohali.

... Appellant

Versus

Public Information Officer,
O/o Punjab State Small Industries
And Export Corporation,
Udyog Bhawan, Sector 167,
Chandigarh.

First Appellate Authority
O/o Punjab State Small Industries
And Export Corporation,
Udyog Bhawan, Sector 167,
Chandigarh.

...Respondent

Appeal Case No.2588 of 2022

PRESENT: Sh.Ankur Suri as the Appellant
None for the Respondent

ORDER:

The appellant, through an RTI application dated 16.09.2021 has sought a copy of the proceedings on the file from Jan.2019 till date – a copy of all completion certificates issued to Uneecops for successful completion of any phase or all the estate management system as enumerated in the RTI application from the office of Punjab Small Industries & Export Corporation, Chandigarh. The appellant was not provided with the information after which the appellant filed a first appeal before the First Appellate Authority on 21.10.2021, which did not decide on the appeal.

The case has come up for **hearing today before this Bench** through video conferencing at DAC Fazilka. The appellant claims that the information provided by the PIO is incomplete since the PIO supplied the information only on point 1 (till Aug.2019) and has denied the information on point 2.

The appellant further informed that the notices communicating the dates for a personal hearing before the First Appellate Authority were received after the date of the hearing. As evidence, the appellant has also submitted copies of the 'track software' of the postal department, which has been taken on record.

The respondent is absent nor represented.

Having gone through the RTI application and the reply of the PIO, the Commission finds that the PIO has supplied incomplete information on point 1 and wrongfully denied the information on point 2 since the completion certificate (which is issued to a company after the assigned project is completed) does not contain any intellectual property right, nor is private and is a public document.