



Sh. Rajnish Khosla
#77, R, State Bank Colony,
White Avenue,
Amritsar.

Complainant

Versus

Public Information Officer
O/o M.C., Amritsar

Respondent

Complaint case No.: 597 of 2021
Heard through CISCO Webex

Present: Complainant- Sh. Rajnish Khosla at PSIC office.
Respondent – absent

ORDER

1. This order may be read with reference to the previous order dated 24.11.2022.
2. After examining the case file, it is observed that on first hearing **held on 07.09.2021**, respondent PIO was absent and matter was adjourned for further hearing on 18.11.2021.
3. On **hearing held on 18.11.2021**, respondent PIO was again absent and last and final opportunity was awarded to him and matter was adjourned for further hearing on 25.01.2022.
4. The above mentioned case was allocated to the undersigned Bench on 03.01.2022 vide office order passed by the Chief Information Commissioner, Punjab. The matter was fixed for hearing on 08.03.2022.
5. On **hearing held on 08.03.2022**, respondent, Sh. Dheeraj Kumar stated that reply had already been sent to the appellant. A final opportunity was awarded to respondent PIO to supply the complete requisite information to the appellant on his visit to the respondent's office on 15.03.2022 as per directions of the Commission passed on 18.11.2021 by the then Ld. SIC, Sh. Hem Inder Singh. Matter was adjourned for further hearing on 13.04.2022.
6. On **hearing held on 13.04.2022**, both the parties were present. Representative of the complainant, Sh. Avnish Khosla stated that he had visited the respondent's office on fixed date i.e. 15.03.2022 but demanded information was not supplied to him. He requested the Commission for directions to the respondent PIO to supply an affidavit in this case duly attested by the oath Commissioner.

Request of the appellant was granted; respondent PIO was directed to supply an affidavit in original duly attested by the oath Commissioner as per queries raised in RTI application immediately with a copy to the Commission. Matter was adjourned for further hearing on 18.05.2022.

7. On **hearing held on 18.05.2022**, representative of the complainant, Sh. Avnish Khosla stated that supplied affidavit is not as per the directions of the Hon'ble Commission order dated 13.04.2022. He further adds that he is not satisfied with the same. He also mentioned that two emails dated (11.05.2022 & 16.05.2022) and a letter dated 10.05.2022 (diary no. 9993 dated 12.05.2022) had also been sent to the Commission in this regard, which were received and taken on record.

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Respondent PIO was not present for hearing but an email dated 17.05.2022 was received from the respondent by the undersigned Bench comprising a copy of an affidavit and supporting documents, which are taken on record. Respondent PIO was directed to appear in person on the next date of hearing positively to clear the facts of this case.

Complainant is also advised to represent this case on the next date of hearing. Matter was adjourned for further hearing on 13.07.2022, which was postponed to 23.08.2022.

8. On **hearing held on 23.08.2022**, representative of the complainant once again requested the court that suitable directions be given again for the supply of affidavit duly attested by the Oath Commissioner, which is pending since long.

The court while taking the absence of the respondent seriously directed to supply the requisite affidavit duly attested by the Oath Commissioner within 15 days failing which suitable action as per RTI regulations shall be taken.

Both the parties are advised to represent this case in person on the next date of hearing, failing to which, appropriate order in their absence shall be passed. Matter was adjourned for further hearing on 12.10.2022.

9. On **hearing held on 12.10.2022**, representative of the complainant, Sh. Avnish Khosla stated that affidavit as per directions of the Commission is not received from the respondent PIO till date.

Respondent, Sh. Pardeep Sehgal joined meeting late after leaving meeting by the representative of the complainant and respondent intimates the Commission that affidavit as per directions of the Hon'ble Commission was sent to the appellant on 30.09.2022 by speed post. He adds that a copy of the supplied reply and affidavit has also been sent to the Commission via letter no. 215 dated 30.09.2022, which was received and taken on record. He further adds that in the RTI application, no information has been sought from the department/respondent PIO.

He further adds that complainant has not demanded any information in his RTI application.

It was observed that show cause notice announced by the Commission is withdrawn, which was announced in the presence of the representative of the complainant. I am of the considered view that supplied affidavit is sufficient and nothing is left to be supplied as per the directions of the Commission.

Complainant was advised to approach the Commission within ten days after receipt of this order, if he has received the above mentioned affidavit or not, which is sent to him by the respondent via speed post on 30.09.2022, failing which it will be presumed that he has nothing to say in this regard.

Both the parties are advised to represent this case in person on the next date of hearing positively. Matter was adjourned for further hearing on 24.11.2022.

10. On **hearing held on 24.11.2022**, representative of the complainant, Sh. Avnish Khosla stated that he is not satisfied with the supplied affidavit. Respondent PIO was not present for today's hearing.

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Both the parties are advised to represent this case in person on the next date of hearing at Punjab State Information Commission Office to represent this case, failing which case will be decided on merit basis. Matter was adjourned for further hearing on 11.01.2023 i.e. today.

11. In today's hearing, complainant is present for today's hearing and states that he is not satisfied with the supplied affidavits and information in connection with action taken on point no. 3 and 9 of RTI application is pending.

Respondent PIO is not present for today's hearing

12. After going through the available documents, it is observed that on hearing held on 13.04.2022 and 23.08.2022, complainant/representative of the complainant requested for an affidavit by the oath Commissioner which were supplied by the respondent PIO but today he is asking for action demanded on point no. 3 and 9 of the RTI application. It is also observed that action taken is not mentioned in point no. 3 and 9 in the RTI application. Point no. 3 and 9 are as under as per RTI application:

3. The legally questionable building over land being claimed to be owned by a non resident Indian, from Australia , through on face of it , on bare reading the language of registered document Dated 20/04/2005 Vasika No.785 the title becomes/is questionable/erroneous/illegal ; but this above said questionable/erroneous title holder got erected questionable construction inspite of dozens of complaints , as well as timely informations, of the on going questionable construction to the Municipal Corporation Amritsar.

9. To dismay of anybody or rather every body , even those spots as are heaving ' Public property' status in the records of Municipal Corporation Amritsar, well gets encroached upon under connivance , AS IN THIS CASE THE BETTER PART OF BUILDING IS A ;"TAX FREE :PUBLIC WELL;" , EVEN IN RECORDS of the State Local body, Municipal Corporation Amritsar.

13. Both the parties are advised to represent this case in person on the next date of hearing, failing to which, appropriate order in their absence shall be passed.
14. The matter is adjourned for further hearing on **16.02.2023 at 11:00 A.M. at Punjab State Information Commission Office.** Copy of the order be sent to the parties.

Dated: 11.01.2023

(Anumit Singh Sodhi)
State Information Commissioner
Punjab