

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, NEAR ROSE GARDEN,

SECTOR 16, CHANDIGARH.

Ph: 0172-2864118, Email: - psic28@punjabmail.gov.in

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APPEAL CASE NO. 0084 OF 2021

Shri Piara Singh Sondh, (7009128152)
199, Narrotam Nagar,
Khanna-141401 (Ludhiana).

...Appellant

Versus

Public Information Officer,
O/o Punjab Small Industries & Export Corporation Ltd.,
Udyog Bhawan, Sector -17, Chandigarh.

First Appellate Authority
O/o Punjab Small Industries & Export Corporation Ltd.,
Udyog Bhawan, Sector-17, Chandigarh.

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: Shri Piara Singh Sondh, Appellant.
Shri Vinit Kumar Viridi, ATP, for the Respondents.

ORDER:

This order may be read with reference to the previous order dated 25.11.2021.

2. The Respondent states that pursuant to previous order of the Commission, affidavit on Rs.50/- stamp paper has been filed by the PIO and after attestation from the Notary, original affidavit has been supplied by registered post on 29.11.2021 and copy sent to the Commission.

3. The appellant admits that he has received the affidavit on his whatsapp but he is dissatisfied.

4. Examination of case file shows that original affidavit has been supplied to the appellant vide Regd. Post receipt No.RP043762733IN on 29.11.2021 and a copy of same has been received in the Commission. It has further been observed that the PIO has mentioned at para No.3 of the affidavit that "In regard to point no.2 & 3 of the RTI application 22.09.2020, no more information is available other than supplied to the appellant to his RTI application".

5. In view of above, no more cause of action is left and hence, **the case is disposed of and closed.** Copies of order be sent to the parties.

Chandigarh
02.12.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

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COMPLAINT CASE NO. 1157 OF 2021

Sh. Kapil Dev, (9417819169)
S/o Late Sh. Shivnand Singh,
R/o Vashisht Electrical Store,
Near Allahabad Bank, Railway Road,
Morinda, District Ropar.

...Complainant

Versus

Public Information Officer,
O/o The Senior Superintendent of Police,
Kapurthala.

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: None on behalf of the Complainant.
ASI Davinder Singh (9463541414) for the Respondents.

ORDER:

The Complainant vide RTI dated 02.12.2020 demanded certain information of the PIO. He filed complaint under section 18 of the RTI Act 2005 (hereinafter called as Right to Information Act) in the Commission on 14.09.2021 and notice of hearing to the parties was issued for 02.12.2021.

2. The Respondent states that after completion of the enquiry information containing 30 number of pages has been supplied to Complainant vide their letter No. 842/RTI dated 20.11.2021 through Registered Post.

3. The complainant is absent without any intimation to the Commission. It is presumed that he might have received the information supplied by the respondents.

In these circumstances, it is relevant to invite the attention of the Complainant to the judgment of the Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos. 10787-10788 of 2011 (arising out of SLP(C) No. 32768-32769/2010) - Chief Information Commissioner and another Vs. State of Manipur and another, in Para 31 whereby, it has been held that while entertaining a complaint case under Section 18 of the RTI Act, 2005. The Commissioners have no jurisdiction to pass an order providing for an access to the information. As such, since the complainant has approached the Commission under the provision of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

Cont...Pg2

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COMPLAINT CASE NO. 1157 OF 2021

Since there is an alternative and efficacious remedy of first appeal available to the Complainant under section 19 (1) of the RTI Act, 2005, which has not been availed in the instant case and the First Appellate Authority has not had the occasion to review the decision of the PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

Since there is an alternative and efficacious remedy of first appeal available to the Complainant under section 19 (1) of the RTI Act, 2005, which has not been availed in the instant case and the First Appellate Authority has not had the occasion to review the decision of the PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

In case the Complainant has any grouse about the provided information, he is advised to challenge the response of the PIO, before the designated First Appellate Authority, as envisaged under section 19 (1) of the RTI Act, 2005, who will decide the matter in accordance with the provisions of the RTI Act within the prescribed time limit, after giving an opportunity of hearing to all concerned, by passing a speaking order.

Accordingly, this case is hereby, remanded back to the First Appellate Authority who is directed to decide the RTI application afresh as per provisions of the RTI Act, 2005.

If, however, the Complainant does not feel satisfied with the decision of the First Appellate Authority, he will be at liberty to file a Second Appeal before the Commission under section 19 (3) of the RTI Act, 2005.

In view of the observations noted above, the instant Complaint Case is hereby, **Disposed Off and Closed.** Copies of the order be sent to the parties.

**Chandigarh
02.12.2021**

**Sd/-
(Hem Inder Singh)
State Information Commissioner**

Copy to intimation and necessary action along with RTI application dated 02.12.2020.

**First Appellate Authority,
O/o Commissioner,
Municipal Corporation,
Amritsar.**

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SECTOR 16, CHANDIGARH.

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APPEAL CASE NO. 2356 OF 2020

Sh. Jaswant Singh,
MD of Defunct Ruby Mushrooms &
Canning (P) Ltd.
House NO.2525/B, Sector 437-C,
Chandigarh-160047

(9888865056)

Versus

...Appellant

Public Information Officer,
O/o The Registrar of Firms
& Societies Punjab,
Chandigarh.

First Appellate Authority

O/o The Director,
Industries & Commerce,
Sector 17, Chandigarh

..Respondent

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: Sh. Jaswant Singh, the appellant
Smt. Harshpal Kaur, Dy. Director-cum-PIO for the respondents.

ORDER:

This order may be read with reference to the previous order dated 17.11.2021.

2. The PIO states that appellant has inspected the relevant record and the required information has been personally handed over to the appellant. The PIO further states that pursuant to the orders of the Commission on the previous date of hearing 17.11.2021, Affidavit has been filed and sent to the Commission.

3. The appellant admits that he has inspected the record and got the certified information but he is not satisfied, so the PIO may kindly be directed to supply him a proper affidavit.

4. While examining the case file it has been observed that the PIO has filed affidavit duly notarised which has been received in the Commission wherein the PIO has very clearly mentioned at para No.3 as under :-

"That it is also submitted that available information has been supplied to the Appellant and no more information pertaining to this RTI application is available in the Incentive Branch of Department of Industries & Commerce, Punjab".

5. In view of above, no more cause of action is left in this case and hence, **the case is ordered to be disposed of and closed.** It is further directed that the appellant may take the original affidavit from the Commission on any working day and a copy of the affidavit be retained in the case file. Copies of order may be sent to the parties.

Chandigarh
02-12-2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, NEAR ROSE GARDEN,

SECTOR 16, CHANDIGARH.

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APPEAL CASE NO. 2689 OF 2021

Shri Jaswant Singh, (9888865056)
MD of Defunct Ruby Mushrooms & Canning (P) Ltd.,
R/o H. No. 2525/B, Sector-47-C,
Chandigarh-160047

...Appellant

Versus

Public Information Officer,
O/o Principal Secretary to Govt. of Punjab,
Industries & Commerce Department,
Udyog Bhawan, Sector-17, Chandigarh.

First Appellate Authority

O/o Principal Secretary to Govt. of Punjab,
Industries & Commerce Department,
Udyog Bhawan, Sector-17, Chandigarh.

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: Sh. Jaswant Singh, the appellant
Smt. Harshpal Kaur, Dy. Director-cum-PIO for the respondents.

ORDER:

This order may be read with reference to the previous order dated 17.11.2021.

2. The PIO states that appellant has inspected the relevant record and the required information has been personally handed over to the appellant's daughter namely Ms. Navneet Kaur on 01.12.2021. The PIO further states that pursuant to the orders of the Commission on the previous date of hearing 17.11.2021, Affidavit has been filed and sent to the Commission.

3. The appellant admits that he has inspected the record and got the certified information but he is not satisfied, so the PIO may kindly be directed to supply him a proper affidavit.

4. While examining the case file it has been observed that the PIO has filed affidavit duly notarised which has been received in the Commission wherein the PIO has very clearly mentioned at para No.4 as under :-

"That it is also submitted that no more information pertaining to this RTI application is available in the Incentive Branch of Department of Industries & Commerce, Punjab".

5. In view of above, no more cause of action is left in this case and hence, **the case is ordered to be disposed of and closed.** It is further directed that the appellant may take the original affidavit from the Commission on any working day and a copy of the affidavit be retained in the case file. Copies of order may be sent to the parties.

Chandigarh
02-12-2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

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APPEAL CASE NO. 3598 OF 2020

Shri Suresh Sharma, Social Worker (9855890233)
R/o New Sharma Furniture House,
Partap Bazar, CHHERATTA,
AMRITSAR.

...Appellant

Versus

Public Information Officer,
O/o Municipal Corporation,
AMRITSAR.

First Appellate Authority
O/o Municipal Corporation,
AMRITSAR.

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

Present None on behalf of the appellant
Smt. Krishna Kumari, STP-PIO for the respondents.

ORDER

This order may be read with reference to the previous order dated 25.11.2021.

2. The respondent states pursuant to previous orders of the Commission, affidavit has been filed by the PIO and sent to the Appellant by registered post as well as on his whatsapp. The PIO is directed to send copy of Postal Receipt for record in the Commission vide which the original affidavit has been supplied to the appellant.

3. The Appellant is absent. However, he is contacted over phone who stats that he has received the affidavit on his whatsapp but original affidavit has not been received as yet.

4. Perusal of case file reveals that copy of affidavit filed by the concerned PIO has been received in the Commission wherein the PIO has mentioned at para three "that it is further declared that no such information exists and available with the undersigned".

5. In view of above, **the case is disposed of and closed.** Copies of the order be sent to the parties.

Chandigarh
02.12.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

Copy forwarded by **REGD POST** for necessary compliance to :-

Public Information Officer
Smt. Krishna Kumari, ATP
Municipal Corporation
Amritsar.

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APPEAL CASE NO. 4108 OF 2020

Sh. Raman Kumar, (9463474725)
C/o Ram Dulare Press Wale,
Bharat Nagar, Street No.2,
Batala Road, Amritsar -143 001

...Appellant

Versus

Public Information Officer,
O/o Municipal Corporation,
Amritsar.

First Appellate Authority
O/o The Commissioner,
Municipal Corporation, Amritsar.

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: None on behalf of the Appellant
Sh. Bhalinder Singh, XEN-cum-PIO (9780800185) for the respondents

ORDER:

This order may be read with reference to the previous order dated 26.10.2021.

2. The PIO states that available information containing 13 number of pages has been provided by hand to the appellant and the appellant acknowledged the receipt of the same on the body of the letter itself. He further states that he has also submitted his reply of Show Cause Notice issued to him unconditionally apologizing and requesting the court to kindly withdraw the show cause notice.

3. The appellant is absent without any intimation to the Commission. However, the Commission tried to contact him and his representative (9436474725 & 81988832777) over their phone 2-3 times but their mobiles were found switched off. It is presumed that he might have received the demanded information to his satisfaction.

4. The reply of show cause notice given by the PIO is considered and the show cause notice stands dropped.

5. In view of above, **the case is disposed of and closed.** Copies of the order be sent to the parties.

Chandigarh
02.12.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

Copy for necessary compliance by REGD POST to:-

Shri Bhalinder Singh
Executive Engineer(Civil)-cum-
Public Information Officer
Municipal Corporation
Amritsar