

PUNJAB STATE INFORMATION COMMISSION

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

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Sh. Kulwant Singh, S/o Sh. Pritam Singh,
R/o V.P.O - Pohir
Tehsil & District- Ludhiana. 141204

.....Complainant

Vs

Public Information Officer,
O/o Director, Rural Development & Panchayat, Punjab,
Vikas Bhawan, Sector- 62,
S.A.S. Nagar.

.....Respondent

Complaint Case .No. 875 of 2019

(Video Conference Proceedings)

Present:- Shri Kulwant Singh, complainant.

Ms. Kanta, Senior Assistant on behalf of Director Rural Development and Panchayats, Punjab, Mohali on behalf of the respondent-PIO at Chandigarh..

ORDER

This order may be read with reference to the previous order dated 5.11.2019 vide which the representative of the respondent-PIO stated that inquiry was got conducted on the complaint of the complainant dated 08.07.2019 and inquiry report was sent to the headquarter for finalization on 13.08.2019, copies of which were supplied to him vide their letter dated 25.09.2019.

2. The representative of the respondent-PIO places a copy of letter dated 20.11.2019 alongwith its annexures on the record of the case file before the commencement of the hearing. She states that they have already sent the inquiry report vide their letter 25.09.2019 to the complainant, which might have been received by the complainant.

3. In view of the letter of respondent-PIO that they have conducted an inquiry on the complaint dated 8.07.2019 of information seeker and inquiry was got conducted and it was concluded on 13.08.2019. The complainant was informed on 25.09.2019 after taking action on his complaint dated 08.07.2019. The complainant has sought information regarding action taken on his complaint dated 8.7.2019, which has been sent to him on 25.9.2019. One more copy of letter dated 20.11.2019 alongwith enquiry reports (placed on the record of the Commission) is sent to the appellant. Hence, no action is left, which could be taken according to his RTI application. Accordingly, the present case is **disposed of** and **closed**. Copies of the order be sent to the parties.

Dated: 20.11.2019.

DA: as above.

Sd/-
(Suresh Arora),
Chief Information Commissioner,
Punjab.

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Sh. Kulwant Singh S/o Sh. Pritam Singh,
R/o VPO- Pohir, Block – Dehlon,
Tehsil & Distt. – Ludhiana-141204.

.....Complainant

Vs

Public Information Officer,
O/o Block Development & Panchayat Officer,
Block – Dehlon, District- Ludhiana.

PIO/Naib Tehsildar,
Dehlon, District Ludhiana.

.....Respondents

Complaint Case No. 867 of 2019

(Video Conference Proceeding)

Present:- Shri Kulwant Singh, complainant.

Shri Gurinder Pal Singh, Panchayat Secretary alongwith Shri Ravdeep Singh,
Sarpanch, on behalf of the respondent-PIO.

ORDER

This order may be read with reference to the previous order dated 01.11.2019 vide which the respondent-PIO was directed to intimate the complainant after taking appropriate action on the application of the information-seeker.

2. The complainant states that he has not received any information except Jamabandi of Khasra No.266.

3. The representatives of the respondent-PIO state that no information is available concerning points at Sr. No.1 to 4 in the record of Gram Panchayat except Jamabandi which was handed over to the complainant during the previous hearing. They further state that information regarding points at Sr. No.1 and 2 may be available with PIO/Naib Tehsildar, Dehlon, District Ludhiana.

4. The respondents are directed to give specific point wise reply in writing to the complainant with a copy to the Commission what they have said during the hearing before the next date of hearing. PIO/Naib Tehsildar, Dehlon, District Ludhiana is impleaded as a necessary party with the direction to take action on points at Sr. No.1 and 2 of the application dated 17.07.2019 (copy enclosed) for seeking information under the provisions of the RTI Act, 2005 and intimate the complainant with a copy to the Commission.

5. To come up on 09.12.2019 at 3.30 P.M. to be heard through video conference facility available in the office of the Deputy Commissioner, Ludhiana.

Dated: 20.11.2019.

Sd/-
(Suresh Arora),
Chief Information Commissioner,
Punjab.

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Sh. Kulwant Singh S/o Sh. Pritam Singh,
R/o VPO- Pohir, Block – Dehlon,
Tehsil & Distt. – Ludhiana-141204

.....Complainant

Vs

Public Information Officer,
O/o Block Development & Panchayat Officer,
Block – Dehlon, District- Ludhiana.

.....Respondent

Complaint Case No. 868 of 2019 (Video Conference Proceeding)

Present:- Shri Kulwant Singh, complainant.

Shri Gurinder Pal Singh, Panchayat Secretary alongwith Shri Ravdeep Singh, Sarpanch, on behalf of the respondent-PIO.

ORDER

This order may be read with reference to the previous order dated 01.11.2019 vide which the representative of the respondent-PIO handed over the information/reply to the complainant during the hearing. The complainant was directed to peruse the same and revert back to the authorities within seven days.

2. The complainant states that partial information provided on the previous date of hearing but in compliance to the previous order, he has not sent any deficiency in the information, so provided to him.

3. The representatives of the respondent-PIO places a copy of point-wise reply on the record of the case file, which is taken on the record of the case file.

4. The complainant has failed to send any deficiencies, in writing, to the respondent-PIO. The reply placed on record of case file and the information sought by the complainant is discussed point-wise. From this, it is observed that complete information has been provided to the complainant except for reasons for not filing any case concerning land of 14 kanals 15 marlas. Various courts has held time and again that the information envisaged under the Act is that which is available on the records of a public authority and the information-seeker is entitled to all the information available

Contd.....p/2

-2-

on the records of public authority. He asks for the reasons or justification for the action or decision taken by the public authority or by any of its functionaries. In other words the information-seeker can ask for the information but not for the reasons or justification for the material available on the record. No public authority is supposed to create or manufacture information for the benefit of the information seeker according to the provisions of the RTI Act and various judgments of different courts. Accordingly, the present case is disposed of and closed. Copies of the order be sent to the parties.

Dated: 20.11.2019.

Sd/-
(Suresh Arora),
Chief Information Commissioner,
Punjab.

PUNJAB STATE INFORMATION COMMISSION

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Sh. Kulwant Singh S/o Sh. Pritam Singh,
R/o VPO- Pohir, Block – Dehlon,
Tehsil & Distt. – Ludhiana-141204.Complainant

Vs

Public Information Officer,
O/o Block Development & Panchayat Officer,
Block – Dehlon,
District- Ludhiana.Respondent

Complaint Case .No. 874 of 2019

(Video Conference Proceeding)

Present:- Shri Kulwant Singh, complainant.

Shri Gurinder Pal Singh, Panchayat Secretary alongwith Shri Ravdeep Singh, Sarpanch, on behalf of the respondent-PIO.

ORDER

This order may be read with reference to the previous order dated 01.11.2019 vide which the representative of the respondent handed over the information/reply to the complainant during the hearing. The complainant was advised to peruse the same and revert back to the authorities within seven days.

2. The complainant states that partial information has been provided but in compliance to the previous order, he has not given in writing his observations. He states that there are 16 passages, which have been repaired/constructed but the respondents have given regarding information regarding 13 passages. He further states that how many more passages will be constructed or repaired, details be given.

3. The respondents state that there may be 16 passages but in their record only 13 passages are available. He further states that there are only 2-3 metalled roads and the remaining are katcha roads.

4. The respondents are directed to give specific reply to the queries of the complainant before the next date of hearing.

5. To come up on 09.12.2019 at 3.30 P.M. to be heard through video conference facility available in the office of the Deputy Commissioner, Ludhiana.

Dated: 20.11.2019.

Sd/-
(Suresh Arora),
Chief Information Commissioner,
Punjab.

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Sh. Amrik Singh S/o Sh. Rattan Singh,
R/o VPO- Pohir, Block – Dehlon,
Tehsil & Distt. Ludhiana-141204

.....Complainant

Vs

Public Information Officer,
O/o Block Development & Panchayat Officer,
Block – Dehlon,
District- Ludhiana.

.....Respondent

Complaint Case No. 877 of 2019

(Video Conference Proceeding)

Present:- Shri Amrik Singh, complainant.

Shri Gurinder Pal Singh, Panchayat Secretary alongwith Shri Ravdeep Singh, Sarpanch, on behalf of the respondent-PIO at Chandigarh.

ORDER

This order may be read with reference to the previous order dated 01.11.2019 vide which the representative of the respondent-PIO handed over the information/reply to the complainant during the hearing. The complainant was directed to get copies of the documents after identification on the spot.

2. The complainant states that partial information was provided on the previous date of hearing but in compliance to that, he has not filed any deficiency with the respondent-PIO or in the office of the Commission.

3. The representatives of the respondent-PIO state that they have advised the complainant vide letter dated 14.11.2019 to inspect the record on 18.11.2019 at 11.00 A.M. (copy placed on record), but the complainant failed to inspect the record. He places point wise reply on the record of the case file of the Commission.

4. After hearing both the parties and perusing the record available on the case file, it is revealed that complainant failed to send deficiency in the information provided to him during the previous hearing and inspect the record in compliance to the previous order dated 01.11.2019. After discussing point wise reply, it is ascertained that complete information has been provided to the complainant. Hence, the present case is disposed of and closed. Copies of the order be sent to the parties.

Dated: 20.11.2019.

Sd/-
(Suresh Arora),
Chief Information Commissioner,
Punjab.

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Sh. Gurdeep Singh,
S/o Sh. Ghan Singh,
P.O: Ambedkar Gram Sabha, Burj,
Mansa, Tehsil: Maur,
Distt: Bathinda.

.....Appellant

Vs

Public Information Officer,
Block Development and Panchayat Officer, Maur,
District- Bathinda.

.....Respondent

Complaint Case No. 608 of 2019

Present:- Shri Gurdeep Singh, complainant.

Shri Gurteg Singh, Block Development and Panchayats Officer, Maur-
cum-PIO.
ORDER

This order may be read with reference to the previous order dated 29.10.2019, vide which penalty of Rs.5000/- was imposed on the PIO to be deducted from his salary and deposited under the relevant head in the Government Treasury.

2. The appellant states that no information has been provided to him after the previous hearing held on 29.10.2019.

3. The respondent-PIO states that application of the complainant dated 28.02.2019 was received in his office on 11.3.2019 for seeking information and the same was transferred to PIO/Executive Engineer, Water Supply and Sanitation, Bhatinda on the same date. He requests that one adjournment may be given to get the information supplied to the complainant from the concerned office before the next date of hearing.

4. On the request of the respondent-PIO, one adjournment is given with direction to the respondent-PIO to get the information supplied from the concerned office as per his statement. He is further directed to send his written explanation in compliance to the previous order dated 29.10.2019, failing which further proceedings will be initiated against the respondent-PIO under the provisions of RTI Act, 2005.

5. To come up on **09.12.2019** at **3.30 P.M.** through Video Conference Facility available in the office of the Deputy Commissioner, Bathinda.

Sd/-

(Suresh Arora)

Chief Information Commissioner,
Punjab.

Dated 20.11.2019

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Sh. Hari Singh,
S/o Sh. Harbans Singh,
VPO: Tara Singh, Wan,
Tehsil: Patti,
District- Tarn Taran.Appellant

Vs

Public Information Officer,
District Development and Panchayat Officer,
District- Tarn Taran.

First Appellate Authority,
Additional Deputy Commissioner (Development),
District- Tarn Taran.Respondents.

Appeal Case No. 2585 of 2019 (Video Conference Proceeding)

Present:- Shri Hari Singh, appellant.
Shri Ranjit Singh, Junior Engineer on behalf of the respondents

ORDER

This order may be read with reference to the previous order dated 29.10.2019 vide which Shri Ranjit Singh, Junior Engineer, appeared through Video Conference Facility available in the office of the Deputy Commissioner, Tarntaran.

2. The appellant states that he has not been provided copies of bills, utilization certificate and map.

3. Shri Ranjit Singh, Junior Engineer states that grant of Rs.12.00 lacs were received by Gram Panchayat, which has been utilized for laying pipe line. Cheques

Contd.....p/2

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were prepared in advance in the name of companies who supplied the material by Shri Lal Singh, BDPO, Valtoha and bills must be available with his office. He further states that no papers regarding utilization of funds, map and length of pipe line laid down are available with them. He further states that he visited the office of BDPO many times for getting the concerned papers from him but no paper was provided to him.

4. Shri Lal Singh, Block Development and Panchayats Officer, Valtoha, District Tarntaran is impleaded as a necessary party with the direction to provide papers regarding bills, map and utilization certificate to Shri Ranjit Singh, Junior Engineer. They are directed to bring original record for the perusal of the Commission on 5.12.2019.

5. To come up on **05.12.2019** at **11.00 A.M.** at Chandigarh for further proceedings in the matter.

Sd/-

(Suresh Arora)
Chief Information Commissioner,
Punjab.

Dated 20.11.2019

CC

Shri Lal Singh,
Block Development and Panchayts Officer,
Valtoha, district Tarantaran.

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Sh. Hari Singh,
S/o Sh. Harbans Singh,
VPO: Tara Singh, Wan,
Tehsil: Patti,
District- Tarn Taran.

.....Appellant
Vs

Public Information Officer,
District Development and Panchayat Officer,
District- Tarn Taran.

First Appellate Authority,
Additional Deputy Commissioner (Development),
District- Tarn Taran.Respondents

Appeal Case .No. 2617 of 2019 **(Through Video Conference Proceedings)**

Present:- Shri Hari Singh, appellant.

Shri Paramjit Singh, Panchayat Secretary on behalf of the respondents..

ORDER

In compliance to the previous order dated 29.10.2019 the respondents have sent their reply except Utilisation Certification.

2. The respondent-PIO states that utilization certificate has not been prepared as yet.

3. The appellant states that work has been completed, how it is possible that utilization certificate has not been prepared.

4. After hearing both the parties, the respondent-PIO has given in writing that utilization certificate is not available in their record. The Hon'ble Supreme Court has time and again said that the information envisaged under the Act is that which is available on the records of a public authority. It has been held that though an information-seeker is entitled to all the information available on the records of public authority. No public authority is supposed to create or manufacture information as per the wish of information seeker. Accordingly, the present case is disposed of and closed. Copies of the order be sent to the parties.

Dated 20.11.2019

Sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Booti Ram,
S/o Sh. Diwan Chand,
Nabha Road,
Near Sohrab Public School,
Village- Ahmedabad,
Malerkotla, District-Sangrur.

.....Appellant

Vs

Public Information Officer,
O/o Block Development and Panchayat Officer,
Malerkotla Distt: Sangrur.

First Appellate Authority
O/o Deputy Commissioner,
Sangrur.

Public Information Officer
o/o Sub Divisional Magistrate-cum-Returning Officer,
Malerkotla, Distt. Sangrur.

.....Respondent

Appeal Case No. 3165 of 2019 (Video Conference Proceedings)

Present:- Shri Booti Ram at Chandigarh..

None on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 29.10.2019 vide which the Sub Divisional Magistrate, Malerkotla-cum- Returning Officer was impleaded as a necessary party. He was directed to supply information concerning result of Panchayat Elections and copies of forms of winning candidates. The representative of the respondents was directed to transfer application for seeking information to the said office under Section 6(3) of the RTI Act, 2005.

2. The appellant states that no information has been provided to him regarding remaining information.

3. The respondent-PIO o/o Sub Divisional Magistrate, Malerkotla-cum-Returning Officer is absent without intimation.

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4. Video Conference Facility was introduced for convenience of general public and for government officials. Viewing the absence of the respondent seriously, Shri Vikramjit Singh Panthe, Sub Divisional Magistrate, Malerkotla-cum-PIO is, thus, issued a show cause notice to explain in a self-attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to a maximum of Rs.25000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay/denial of the information to the RTI applicant and why the compensation be not awarded to the information-seeker under Section 19(8)(b) of the Act for the detriment suffered by him.

5. In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte. He is further directed to supply the information before the next date of hearing.

6. To come up on 9.12.2019 at 3.30 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Sangrur.

Dated 20.11.2019

CC

Shri Vikramjit Singh Panthe,
P.C.S.
Sub Divisional Magistrate,
Malerkotla District Sangrur.

Sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh Jasbeer Singh Sekhon,
S/o Late S. Kartar Singh,
Village-Tandi, PO Laroya,
Distt.- Jalandhar.

.....Appellant

Vs

Shri Paramjit Singh,
Public Information Officer-cum-Panchayat Secretary,
o/o Block Development and Panchayats Officer,
Bhogpur, Distt.- Jalandhar.

First Appellate Authority,
O/o Block Development and Panchayat Officer,
Bhogpur, District- Jalandhar.

.....Respondents.

Appeal Case No. 3233 of 2019
(Video Conference Proceedings)

Present:- Shri Jasbeer Singh Sekhon, appellant.at Chandigarh.

None is present on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 29.10.2019 vide which show cause notice was issued for imposition of penalty to the appellant and award of compensation to the appellant for not supplying the information to the appellant within stipulated period under the provisions of RTI Act, 2005.

2. The appellant states that no information till date has been received by him after the previous date of hearing.

3. Shri Paramjit Singh, Panchayat Secretary-cum-PIO informed the office that he is unable to appear before the Commission due to the death of his mother.

4. Taking lenient view due to the death of his mother, decision is kept pending on the show cause notice issued to him. He is further directed to send written explanation to show cause notice issued vide previous order dated 29.10.2019.

5. To come up on 4.12.2019 at 11.00 A.M. at Chandigarh.

Sd/-

(Suresh Arora)

Chief Information Commissioner,
Punjab.

Dated 20.11.2019

PUNJAB STATE INFORMATION COMMISSION

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Ms. Surinder Kaur,
S/o Sh. Banchit Singh,
Village-Miyawal, Tehsil-Phillaur,
Distt.- Jalandhar.

.....Appellant
Vs

Public Information Officer,
O/o Panchayat Secretary, Gram Panchayat,
Meuwal, Block- Phillaur,
Distt.- Jalandhar.

First Appellate Authority,
O/o Block Development and Panchayat Officer,
Phillaur, District- Jalandhar.Respondents

Appeal Case No. 3252 of 2019
(Video Conference Proceedings)

Present:- Ms. Surinder Kaur, appellant.
Mr. Palwinder Singh, Panchayat Secretary, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 11.10.2019 vide which penalty of Rs.5000/- was imposed on Shri Palwinder Singh, Panchayats Secretary, o/o Block Development and Panachayats Officer, Phillaur district Jalandhar and compensation of Rs.10,000/- was awarded to be paid to the appellant through demand draft through Government Treasury.

2. The representative of the respondents states that complete information has been handed over to the appellant to her satisfaction. She also confirms that she has received the information to her satisfaction and does not want to pursue the matter any further. She further requests that the present case may be disposed of and closed.

3. In view of the statement of the appellant, the present case, for the information purpose, is disposed of and closed as she has received the information to her satisfaction.. The case is adjourned to 9.12.2019 at 3.30 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Jalandhar for sending compliance report regarding deduction from the salary of the appellant and deposit of penalty amount in the Government Treasury and disbursement of compensation amount to the appellant through Government Treasury.

Sd/-
(Suresh Arora)

Chief Information Commissioner,
Punjab.

Dated 20.11.2019

CC:- The Block Development and Panchayats Officer, Phillaur, Distt. Jalandhar for information and necessary action.

PUNJAB STATE INFORMATION COMMISSION

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Madhya Marg, Sector 16, Chandigarh.

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Sh. Baldev Raj,
S/o Charan Dass,
Parbodh Chander Nagar, Near ITI Gurdaspur,
Distt.- Gurdaspur.

.....Appellant

Vs

Public Information Officer,
O/o Executive Officer, Panchayat Samiti,
Kalanor, Distt.- Gurdaspur.

First Appellate Authority,
O/o District Development and Panchayat Officer,
District- Gurdaspur.

.....Respondents

Appeal Case No. 3259 of 2019

(Through Video Conference)

Present:- Shri Baldev Raj, appellant.

Shri Amarpreet Singh, Accountant o/o Block Development and
Panchayats Officer, Kalanaur on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 29.10.2019 vide which the respondents were given last opportunity to supply the information before the next date of hearing.

2. The appellant states that he has received information from the respondents to his satisfaction and does not want to pursue the matter any further. He further requests that the case may be disposed of.

3. In view of the request of the appellant, the present case is disposed of and closed.

Dated 20.11.2019

Sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Darshan Singh,
S/o Sh. Amar Singh,
Vill: Kaheru, Tehsil: Dhuri,
District- Sangrur.

.....Appellant
Vs

Public Information Officer,
Panchayat Secretary, Gram Panchayat,
Kaheru, Tehsil: Dhuri,
District- Sangrur.

First Appellate Authority
District Development and Panchayat Officer,
District- Sangrur.

.....Respondent

Appeal Case No. 2761 of 2019
(Through Video Conference Facility)

Present:- None on behalf of the appellant.

Shri Karamjit Singh, Panchayat Secretary, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 26.09.2019 vide which last opportunity was afforded to the appellant to peruse the information supplied to him and revert back to the authorities, in case of deficiencies within one week. The respondents were directed to remove the same before the next date of hearing.

2. The appellant is absent without intimation. No communication has been received from the appellant regarding deficiencies in the information.

3. The representative of the respondents states that complete information has been provided to the appellant and a copy of the same has been sent to the Commission which has been received vide diary No.21319 dated 04.11.2019. He further states that complete information has been provided to the information-seeker to his satisfaction and nothing has been left, which could be supplied to him.

4. In view of the statement of the representative of the respondents, the present case is disposed of and closed. Copies of the order be sent to the parties.

Dated 20.11.2019

Sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab.

PUNJAB STATE INFORMATION COMMISSION

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Madhya Marg, Sector 16, Chandigarh.
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Sh. Gagandeep Singh Janjua
Village Toora, PO Kumbh,
Tehsil Amlah, Fatehgarh Sahib 147301

.....Appellant

Vs

Public Information Officer
o/o Tehsildar East, Ludhiana.

First Appellate Authority
o/o Sub Divisional Magistrate (East)
Mini Secretariat,
New Court Complex,
Ferozepur Road, Ludhiana.

.....Respondents.

Appeal Case No.1922 of 2019
(Video Conference Proceedings)

Present:- Shri Gagandeep Singh Janjua, appellant..

Shri Lalit Sharma, Junior Assistant, on behalf of the respondents.

ORDER

. This order may be read with reference to the previous order dated 29.10.2019 vide which the appellant was afforded last opportunity to provide allotment number for getting the information from the respondents as early as possible otherwise the case will be decided exparte.

2. The appellant was advised on 08.08.2019, 26.08.2019, 03.09.2019, 26.09.2019 and last opportunity was afforded to the appellant on 29.10.2019 to supply details regarding allotment number, conveyance deed number and goshwara number etc. The representative of the respondents states that no detail has been provided by the appellant. The representative of the respondents further states that without the supply of this detail, they are unable to provide any information. According to the RTI Act, 2005, it is the duty of the appellant to seek specific information. The appellant has not sought specific information. Hence, the present case is disposed of and closed. Copies of the order be sent to the parties.

Dated : 20.11.2019

Sd/-
(Suresh Arora)
Chief Information Commissioner
Punjab