

PUNJAB, STATE INFORMATION COMMISSION
Sector-16, Madhya Marg, Near Rose Garden, Chandigarh

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Dr. Ashish Kapur,
H No-695, First Floor Annexe, Phse-2,
Mohali.

... Appellant

Versus

Public Information Officer,
District Revenue Officer,
O/o DC, Amritsar.

First Appellate Authority,
ADC (General),
Amritsar.

...Respondent

Appeal Case No. 3105 of 2018

Present: Sh.Ashish Kapur as Appellant
None for the Respondent

Order:

The case was last heard on 27.11.2018. The order is reproduced hereunder:

“The appellant through RTI application dated 07.05.2018 has sought information regarding registration of sold residential properties and revenue generated therefrom from 2012-13 to 2017-18 in Amritsar District other information concerning the office of DC Amritsar. The appellant was not satisfied with the reply of the PIO dated 06.6.2018 after which he filed first appeal with the First Appellate Authority on 23.06.2018 which disposed off the appeal on 05.07.2018.

The respondent present from the office of Sub Registrar, Amritsar-1 knows nothing about the case. The Commission has taken a serious view of this and directs the PIOs to send some responsible persons to plead the case.

The Commission has received letters diary No.23695 & 23701 dated 26.11.2018 from Sub-Registrar –I and Sub-Registrar –II respectively whereby it has been informed that the reply to the RTI application was sent to the appellant vide letter dated 12.06.2018. In the reply, the PIOs have informed that the information is not available in the record and the same has to be prepared and so it cannot be provided.

I have gone through the RTI application and hereby direct the PIOs concerned to provide the information regarding points 1,2, 3(a) and 4(a) only before the next date of hearing. During the hearing, it has come to the notice that the information is in the possession of Sub-Registrar, Amritsar-1 and Sub-Registrar Amritsar-2. The Commission has taken them as Deemed PIOs and directs them to provide the information concerning them.”

Hearing dated 23.01.2019:

The appellant informed that the information has not been provided to him. In the last order, the PIO-Sub-Registrar, Amritsar-1 and PIO-Sub-Registrar, Amritsar-2 were directed to provide the information regarding points 1,2 3(a) & 4(a). The respondent is absent and has not complied with the order of the Commission.

The Commission has taken a serious note of this and directs the PIO-Sub-Registrar, Amritsar-1 and PIO-Sub-Registrar, Amritsar-2 to provide the information as per earlier order which still stands and be present personally or through their representatives on the next date of hearing alongwith explanation for not abiding by the order of the Commission.

The case is adjourned. To come up **on 13.03.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 23.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :The PIO, Sub-Registrar,Amritsar-1
The PIO,Sub-Registrar Amritsar-2

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Dr. Ashish Kapur,
H No-695, First Floor Annexe, Phse-2,
Mohali.

Appellant.

Versus

Public Information Officer
O/o DC,
Ludhiana.

First Appellate Authority,
O/o ADC (General),
Ludhiana.

...Respondent

Appeal Case No. 3106 of 2018

Present: Sh.Ashish Kapur as Appellant
None for the Respondent

Order:

The case was last heard on 27.11.2018. The order is reproduced hereunder:

“The appellant through RTI application dated 08.05.2018 has sought information regarding registration of sold residential properties and revenue generated therefrom from 2012-13 to 2017-18 in Ludhiana District other information concerning the office of DC Ludhiana. The appellant was not provided the information after which he filed first appeal with the First Appellate Authority on 27.06.2018 which took no decision on the appeal.

The respondent present from the office of Sub-Registrar, Khanna has brought information concerning the office of SR-Khanna and SR-Payal and handed over to the appellant.

During the hearing, it has come to the notice that there are 11 Sub-divisions and the information brought is from 2 Divisions only.

I have gone through the RTI application and hereby direct the PIO to provide the information regarding points 1,2,3(a) & 4(a) only which should be sent to the appellant before the next date of hearing.”

Hearing dated 23.01.2019:

The appellant informed that he has not received the information as per order of the Commission. In the last order, the PIO was directed to provide the information regarding points 1,2 3(a) & 4(a). The respondent is absent and has not complied with the order of the Commission.

Appeal Case No. 3106 of 2018

The Commission has taken a serious note of this and directs the PIO to provide following information:

1. Total number of residential properties whose sale has been registered from the year 2012-13 to 2017-18 regarding point -1
2. Total amount generated for sale of residential properties from the year 2012-13 to 2017-18 regarding point-2.
3. Total number of residential properties whose sale has been registered at collector rate regarding point-3(a) and
4. The revenue generated on account of sale of residential properties at collector rate only regarding point 4(a).

The information be provided before the next date of hearing and send a compliance report to the Commission.

The case is adjourned. To come up **on 13.03.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 23.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Tejinder Singh, S/o Sh Manvir Singh,
Village Khilchiya, Tehsil Baba Bakala Sahib,
Distt Amritsar..

Appellant.

Versus

Public Information Officer
O/o District Revenue officer,
Amritsar.

First Appellate Authority,
O/o DC,
Amritsar.

...Respondent

Appeal Case No. 3111 of 2018

Present: None for the Appellant

**Sh.Malkiat Singh, Office Kanoongo, O/o Tehsildar, Baba Bakala for the
Respondent**

Order:

The case was last heard on 27.11.2018. The order is reproduced hereunder:

“The appellant through RTI application dated 01.05.2018 has sought information regarding land khasra No.48//6/1,47//10/1-2-3 Hadbast No.83 Tehsil Baba Bakala, District Amritsar and other information concerning the office of District Revenue Officer, Amritsar. The appellant was not satisfied with the reply of the PIO vide dated 15.05.2018 after which he filed first appeal with the First Appellate Authority on 15.06.2018 which disposed off the appeal on 04.07.2018.

The respondent present has pleaded that the information has been provided to the appellant vide letter dated 22.11.2018 and a copy of the same is submitted to the Commission. The appellant is not satisfied with the information regarding point No.2 & 5. Regarding point 2, the appellant stated that he has been provided incomplete information as he has received copies of 4 stamp papers of Rs.50/- each (worth Rs.200/-) whereas 6 stamp papers of Rs.50/- each (worth Rs.300/-) were attached with the Ikrarnama. . The PIO is directed to enquire into the matter and send information accordingly. Regarding point 5, the appellant stated that the copy of rojnamcha is not certified. The PIO is directed to provide certified copy of rojnamcha.”

Hearing dated 23.01.2019:

The appellant is absent and vide letter received in the Commission on 13.12.2018, has informed that the information has not been provided as per the order of the Commission.

Appeal Case No. 3111 of 2018

The respondent present pleaded that the information regarding point No.5 has been provided to the appellant and a copy of the same is submitted to the Commission. The respondent further pleaded that the information regarding point-2 pertains to the DRO Sadar Kanoongo O/o DC Amritsar.

The PIO-DRO (Sadar Kanoongo), O/o DC Amritsar is directed to clarify regarding point No.2 of the RTI application as the appellant has raised objection that the information is incomplete. A copy of the RTI application is enclosed with the order for the PIO-DRO (Sadar Kanoongo), O/o DC Amritsar.

To come up for further hearing **on 27.02.2019 at 11.00 AM** through video conference facility available in the office of the Deputy Commissioner, Amritsar. Copies of the order be sent to the parties ***through registered post.***

Chandigarh
Dated: 23.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to : PIO-DRO (Sadar Kanoongo), O/o DC Amritsar

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Sh Harnek Singh, S/o Sh Joginder Singh,
Village Gurhe, Tehsil Jagraon,
Distt Ludhiana.

Appellant.

Versus

Public Information Officer
O/o SHO, Police Station,
Dakha, Mullanpur.

First Appellate Authority,
O/o IGP, Zonal,
Jalandhar.

...Respondent

Appeal Case No. 3112 of 2018

Present: **None for the Appellant**
 Sh.Sukhvinder Singh, ASI Police Station Thaka Mullanpur for the
 Respondent

Order: The case was last heard on 27.11.2018. The order is reproduced hereunder:

“The appellant through RTI application dated 12.03.2018 has sought information regarding attendance register of the police officials on duty in Police Station Dakha from 22.09.2016 to 31.12.2016 and other information concerning the office of SHO Police Station Dakha, Mullanpur. The appellant was not provided the information after which he filed first appeal with the First Appellate Authority on 01.06.2018 which took no decision on the appeal.

The respondent present has pleaded that the information has been provided to the appellant vide letter dated 23.08.2018 and remaining information was again provided to the appellant on 17.10.2018. The respondent has also submitted an acknowledgement of the appellant having received the information. The appellant is not satisfied with the information except point No.4. Regarding point 2, the PIO has denied the information on the plea that the information being 3rd party information. Regarding point 3, the respondent has replied that the enquiry was conducted by Chowki Incharge, Jagraon and the information be got from them.

I have gone through the RTI application and the reply of the PIO and observed that since the Rojnamcha is currently available online, the Commission finds no objection in providing similar record which is not on line and direct the PIO to provide the information regarding point No.2. The PIO is also directed to provide information regarding point No.3 i.e. the action taken report and the information regarding point No.6.

During the course of hearing, it has come to the notice that the appellant's father is missing and appellant wants the information to be matched with the information submitted in the Court. So the points 1 & 5 shall be adjudicated at the next date of hearing.”

Hearing dated 23.01.2019:

The respondent present pleaded that the information regarding point 1 has been provided. Regarding point-2, the respondent has brought the copies of rojnamcha.

In the previous hearing, the Commission had got impression from the respondent that the record was online. However, at this hearing, it has come to the notice of the Commission that the record is on a software but not online as stated by the respondent in the last hearing. This could be because of lack of understanding on the part of the respondent. Keeping this in mind, the Commission upholds the view of the PIO that the information is 3rd party and pertains to internal confidential functioning of the Police Department.

Regarding point 3, the respondent informed that the information pertains to Police Station (Sadar) Jagraon. The PIO Police Station (Sadar) Jagrain is directed to provide the information to the appellant.

Regarding point No.6, the respondent pleaded the challan has already been presented in the court of Sh.Ankit Aerif, Judicial Magistrate (Ist Class) Ludhiana and the appellant to get the information from the Hon'ble Court. The PIO, JMIC Ludhiana is directed to provide the information to the appellant.

To come up for further hearing on **13.03.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 23.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to PIO, JMIC Ludhiana

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Sh Harnek Singh, S/o Sh Joginder Singh,
Village Gurhe, Tehsil Jagraon,
Distt Ludhiana.

Appellant.

Versus

Public Information Officer
O/o SSP, (Rural), Jagraon,
Distt Ludhiana.

First Appellate Authority,
O/o DIG, Ludhiana Range,
Ludhiana.

...Respondent

Appeal Case No. 3113 of 2018

Present: **None for the Appellant**
 Sh. Harpreet Singh, ASI, SSP Office, RTI Branch, Jagraon for the
 Respondent

Order: The case was last heard on 27.11.2018. The order is reproduced hereunder:

“The appellant through RTI application dated 01.06.2018 has sought information regarding approval of the Punjab Govt for recruitment of police officials in Jagraon in the year 2011 alongwith copy of videography and other information concerning the office of SSP (Rural), Jagraon, Distt. Ludhiana. The appellant was not provided the information after which he filed first appeal with the First Appellate Authority on 27.07.2018 which took no decision on the appeal.

The respondent present has pleaded that the information has been provided to the appellant vide letter dated 08.09.2018. The appellant is not satisfied with the information except point No.1. Regarding point 2, the respondent pleaded that information is voluminous and cannot be provided and has cited section 7(9) of the RTI Act, decision of the Hon'ble Supreme Court as well as decision of State Information Commission in CCNo.443/18. The respondent further pleaded that the information regarding point 3 being personal information cannot be provided.

I have gone through the RTI application direct the appellant to inspect the video and take clippings of the information regarding point No.2, for which the date is fixed 11.12.2018 at 12.00 Noon. Regarding point 3, the PIO is directed to provide information only if any adverse action has been taken against Sh. Janak Raj.”

Hearing dated 23.01.2019:

The respondent present informed that the information has been provided to the appellant. The respondent has also submitted an acknowledgement of the appellant having received the information.

Since the information has been provided, no further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated: 23.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sector-16, Madhya Marg, Near Rose Garden, Chandigarh

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Sh. Surinder Kumar,
H No-1869/92, KillaMohalla,
Daresi Road, Ludhiana

... Appellant

Versus

Public Information Officer,
XEN, PSPCL,
Ludhiana.

First Appellate Authority,
XEN, PSPCL,
Ludhiana.

...Respondent

Appeal Case No. 2412 of 2018

Present: Sh.Surinder Kumar as Appellant
Sh.Bharat Bhushan,Sr.Assistant, O/o Xen PSPCL Ludhiana for the Respondent.

ORDER:

The case was last heard **on 29.10.2018**. The Commission observed that since the information was clear, the appellant was directed to clarify the information that he sought. The PIO was directed to accept the clarification and provide the information to the appellant before the next date of hearing.

The case was last heard on **04.12.2018**. The order is reproduced hereunder:

“The appellant informed that as per direction of the Commission, clarification was sent to the PIO on 01.11.2018 but he has not received the information. The respondent present informed that the appellant has given 5 digit account number whereas the account number should be 10 digits. The appellant is directed to provide a copy of bill to clarify any ambiguity and get the information. The PIO is directed to provide the information.”

Hearing dated 23.01.2019:

The respondent present informed that the information has been provided to the appellant. The appellant informed that he has received the information and is satisfied.

Since the information has been provided, no further course of action is required. The case is **disposed off and closed**

Chandigarh
Dated: 23.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Rajeshwar Sharma,
Kothi No-584, Phase-4, Mohali.

... Appellant

Versus

Public Information Officer,
GMADA,
Mohali.

First Appellate Authority,
Chief Administrator, GMADA,
Mohali.

...Respondent

Appeal Case No. 2343 of 2018

Present: Sh.Rajeshwar Sharma as Appellant
Sh.Gulshan Kumar, PIO, GMADA , Smt.Neelam Rani, O/o STP and Smt.Veena
Rajput O/o CTP Punjab Chandigarh for the Respondent

ORDER:

The case was first heard on **11.09.2018**. Since both the parties were absent, the case was adjourned."

The case was again heard on **25.10.2018**. The respondent present brought the information. The appellant was absent to point out the discrepancy, if any.

The respondent present in the reply stated that the information regarding points 1 & 2 relates to CTP, Punjab and information regarding point No.6 also does not relate to them. The PIO was directed to collect the information regarding points 1, 2 & 6 from the concerned PIOs and send it to the appellant within 15 days. The appellant was also directed to point out the discrepancy if any in the information and be present on the next date of hearing otherwise the case will be decided ex-parte.

The case was last heard on **03.12.2018**. The order is reproduced hereunder:

"The appellant is present. The appellant has submitted a letter to the Commission whereby the appellant has pointed out discrepancies in the information provided. A copy of the letter submitted by the appellant is being sent to the PIO alongwith the order and the PIO is directed to relook the RTI application and sort out the discrepancies."

Hearing dated 23.01.2019:

The respondents present from the office of GMADA and CTP informed that the available information concerning them has been provided to the appellant. The appellant is not satisfied with the information regarding points 1,2, 3& 5 (c).

After hearing both the parties, the Commission directs the PIO- CTP to provide an affidavit that the information regarding points 1, 2 & 3 being provided is complete and correct. The PIO GMADA is also directed to provide the information regarding 5(c).

To come up for further hearing **13.03.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 23.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Mrs Amar SnehKaur,
K No-933, Phase-XI, Sector-65,
Mohali

... Appellant

Versus

Public Information Officer,
GMADA, PUDA Bhawan,
Sector-62, Mohali.

First Appellate Authority,
GMADA, PUDA Bhawan,
Sector-62, Mohali.

...Respondent

Appeal Case No. 2444 of 2018

Present: Sh.Bhupinder Singh, representative of Mrs.Amarsneh Kaur for the Appellant
Sh.Gulshan Kumar, PIO-GMADA and Sh.Kuldeep Singh, APIO (Housing Branch)
GMADA for the Respondent

ORDER: The case was first heard on 29.10.2018. The respondent was absent without intimation to the Commission. The PIO was directed to provide the information to the appellant within 10 and be present personally or through his representative on the next date of hearing and explain the reasons for not providing the RTI application within the time prescribed under the RTI Act.

The case was last heard on **04.12.2018**. The appellant informed that the information has not been provided by the PIO. The respondent was absent without intimation to the Commission on 2nd consecutive hearing and had not provided the information despite order of the Commission. The Commission took a serious view of this and a show cause was issued to the PIO under section 20 of the RTI Act for not complying with the orders of the Commission. The PIO was directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies. The PIO was also directed to provide the information to the appellant within 10 days.

Hearing dated 23.01.2019:

Facts of the Case-

- 1) That the appellant Sh.Mrs.Amarsneh Kaur filed an RTI application on 03.01.2018 seeking 9 points information regarding project of Purab Premium Apartment launched by GMADA in Sector 88 Mohali
- 2) That the information was not provided within the stipulated time under section 7 of the RTI Act, after which the appellant filed the first appeal on 09.02.1028 with the First Appellant Authority which took no decision on the appeal.
- 3) That on not getting the information, the appellant filed a second appeal with the State Information Commission, which first came up for hearing on 29.10.2018.
- 4) That on the date of the hearing (29.10.2018), Sh.Bhupinder Singh, a representative of the appellant was present. However, the respondent preferred to be absent without intimation the commission.

- 5) That the PIO was directed to provide the information and be present personally or through representative on the next date of hearing with explanation for not providing the information within the prescribed time under the RTI Act.
- 6) That on the next date of hearing, which was held on **04.12.2018** the PIO was absent yet again without intimating the commission. Also, no information had been sent to the appellant, who was present at the hearing. The PIO was '**Show Caused**' under section 20 of the RTI Act as to why a penalty should not be imposed for dereliction in handling this particular RTI application. The PIO was also directed to provide the information and be present personally with an explanation for the delay on an affidavit.
- 7) That the case came up for hearing today again on **23.01.2019**. The representative present on behalf of the appellant informed that the information has not been provided. Sh.Gulshan Kumar, PIO and Sh.Kuldeep Singh, APIO are present. The respondents have not brought any information nor reply to the show cause.
- 8) That it has come to the notice of the Commission that the present PIO has joined on 15.11.2018 and the responsibility for delay in providing the information rests with the previous PIO. The Commission has clearly mentioned in the show cause that if there are other persons responsible for delay in providing the information, the PIO to inform such persons to appear before the Commission alongwith written replies. However, no reply has been filed.
- 9) That the appellant vide letter dated 23.01.2019 has pleaded that the appellant has been harassed by not providing the information after a lapse of one year, the PIO be panelized and suitable compensation be given to the appellant for unnecessary harassment and delay in providing the information.

Order.

Keeping the above facts of the case in mind, this is a fit case to invoke section 20 of the RTI Act and impose a penalty on the PIO. Section 20 reads as follows-

'20.Penalties. – (1) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complain or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect , incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:

Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be give a reasonable opportunity of being heard before any penalty is imposed on him:

Provide further that the burden of proving that he acted reasonably and diligently shall be on the Central Information Officer, as the case may be."

The onus and responsibility lies on the PIO to ensure the transmission of the information to the appellant. The PIO-GMADA is hereby held guilty for not providing the information on time as prescribed under section 7, which is within 30 days of the receipt of the request, and for repeated and willful defiance of the Punjab State Information Commission's orders. A penalty of **Rs.25,000/-** is hereby imposed upon the PIO, GMADA, Punjab.

However, since there are two PIOs involved in the case, the Commission will ascertain and fix the responsibility of the PIO involved in the dereliction of duty in attending to the RTI application at the next date of hearing. The Commission directs both the PIOs (Present and earlier) to be present at the next date of hearing with complete detail of the posting dates of the PIOs.

Further, the Commission is of the view that since the appellant has had to suffer undue inconvenience to get the information, it is a fit case for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act.

The PIO is directed to pay an amount of **Rs.5000/-** via demand draft drawn through Govt. Treasury as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting information in time. The PIO is directed to duly inform the Commission of the compliance of the order and submit proof of having compensated the appellant.

2) The PIO is directed to provide the information to the appellant within a week and send a compliance report to the Commission.

The case is adjourned. To come up for further hearing **on 13.03.2019 at 11.00 AM.**

Chandigarh
Dated: 23.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Arun Garg, S/o Sh Sham Lal,
40-41, Central Town, Village Dad,
P.O LaltonKalan, Distt Ludhiana.

... Appellant

Versus

Public Information Officer,
Deputy Chief Engineer, DS City West Circle,
PSPCL, Ludhiana.

First Appellate Authority,
Chief Engineer, DS Central,
PSPCL, Ludhiana

...Respondent

Appeal Case No. 2615 of 2018

Present: None for the Appellant
 Sh.Vimal Aggarwal, Revenue Accountant, O/o Dy. Chief Engineer, PSPCL
 Ludhiana for the Respondent

ORDER: The case was first heard on **30.10.2018**. The respondent present pleaded that the complete information has been provided to the appellant. The appellant was absent and vide email informed that the information which has been provided by the PIO after 9 months of his RTI application is incomplete and incorrect. The PIO was directed to submit explanation with solid reasons for delay in tending to the RTI application on an affidavit. The appellant was directed to point out discrepancy if any and be present on the next date of hearing.

The case was last heard on **04.12.2018**. The order is reproduced hereunder:

“The respondent present pleaded that the information has already been provided to the appellant. The appellant is absent and vide email has sought adjournment. The appellant vide email has also pointed out discrepancies in the information provided and a copy of the same has been handed over to the respondent to look at it and sort out the discrepancies and provide the information to the best possible extent within 10 days.

The respondent has also submitted an affidavit explaining the reasons for delay in attending to the RTI application which is taken on the file of the Commission and will be adjudicated on the next date of hearing.

Hearing dated 23.01.2019:

The respondent present informed that in compliance with the order of the Commission, the available information has been provided to the appellant vide letter dated 11.12.2018 and a copy of the same is submitted to the Commission. The appellant is absent and vide email has sought exemption for appearance. The appellant has further informed that the information is incomplete and misleading.

The PIO is directed to send the information once again to the appellant with an affidavit stating that the information provided as per record, is true and correct.

To come up for further hearing **on 27.02.2019 at 11.00 AM** through video conference facility available in the office of the Deputy Commissioner, Ludhiana. Copies of the order be sent to the parties ***through registered post.***

Sd/-

Chandigarh
Dated: 23.01.2019

(Khushwant Singh)
State Information Commissioner