

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

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E-mail-Psicsic30@punjabmail.gov.in

Sh.Tejinder Singh,
R/o Village Bhlapur, P.o Ramgarh,
Chandigarh Road, Ludhiana.

... Complainant

Versus

Public Information Officer,
MC. Zira,
Distt Ferozepur.

...Respondent

Complaint Case No. 517 of 2018

Present: None for the Complainant
 Sh.Dharam Pal Singh, O/o MC Zira on behalf of the Respondent

ORDER:

The case was heard **on 06.08.2018**. The appellant was absent. The order is reproduced hereunder:

“The complainant through RTI application dated 28.01.2018 has sought information regarding details of challans issued from Jan.2014 to 28.02.2018, income generated and other information concerning the office of MC Zira. The complainant was not provided the information after which he filed complaint with the Commission on 09.05.2018.

The appellant vide email has informed that he is busy in some other court case and has sought adjournment. He has further informed that the information has not been provided to him so far. The respondent present has pleaded that the complainant was asked vide letter dated 22.02.2018 to deposit requisite fee of Rs.542/- for providing the information but the appellant has not deposited the fee. The respondent has further pleaded that after receipt of notice of the Commission, the information has been dispatched to the complainant vide letter dated 26.07.2018 free of cost and a copy is submitted to the Commission.

The complainant is not present to clarify the discrepancies, if any. The appellant is asked to go through the information and inform the discrepancy if any to the PIO.”

Hearing dated 25.10.2018:

The case has come up for hearing today through video conference facility available in the office of the Deputy Commissioner, Ferozepur. The respondent present informed that the information has already been sent to the appellant.

The appellant is absent on second time. In the last hearing, the appellant was asked to go through the information and inform the discrepancy, if any. The appellant is absent second time and no discrepancy has been pointed out. It seems that the appellant is satisfied with the information provided. .

No further course of action is required. The case is disposed off and closed.

Chandigarh
Dated: 25.10.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

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Smt.Gurdev Kaur, W/o Lt Sh.Kehar Singh,
Mohalla Shaheed Bhagat Singh Nagar,
Duarewana Road, Kotakpura, Distt. Faridkot.

... Complainant

Versus

Public Information Officer,
Assistant Registrar, Cooperative Societies,
Faridkot.

...Respondent

Complaint Case No. 524 of 2018

Present: Sh.Darshan Singh authorized person on behalf of the Complainant
Parneet Kaur O/o Asstt. Registrar, Cooperative Societies, Faridkot, for the
Respondent

ORDER:

The case was heard **on 06.08.2018**. The respondent was absent. The order is reproduced hereunder:

“The complainant through RTI application dated 26.03.2018 has sought information regarding details of action taken on the distribution of the funds which was received from the Govt on account of acquiring of land of the society from the National Highway Authority and other information concerning the office of Assistant Registrar Cooperative Societies, Faridkot. The complainant was not provided the information after which he filed complaint with the Commission on 09.05.2018.

The respondent is absent without intimation to the Commission. The PIO is directed to be present personally on the next date of hearing with solid reasons for not providing the information. The PIO is further directed to review the RTI and provide the point-wise information to the complainant in accordance with the RTI Act.”

Hearing dated 25.10.2018:

The case has come up for hearing today through video conference facility available in the office of the Deputy Commissioner, Faridkot.

The respondent present has informed that the RTI application was received by them on 26.03.2018 and they sent the reply to the appellant on 28.03.2018. The respondent further informed that the information has been provided to the appellant point-wise as per RTI application.

After hearing both the parties, I found that the information provided is in order and the RTI application was attended in time.

No further course of action is required. The case is **disposed off and closed**.

Sd/-

Chandigarh
Dated: 25.10.2018

(Khushwant Singh)
State Information Commissioner

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Sh Ashok Kapoor,
8-C, Kitchlu Nagar,
Ludhiana.

... Appellant

Versus

Public Information Officer,
Police Station,
Village Ladowal, Ludhiana.

First Appellate Authority,
Commissioner of Police,
Ludhiana

...Respondent

Appeal Case No. 1286 of 2018

Present: Sh.Ashok Kapoor as Appellant.
None for the respondent

ORDER: The case was first heard on **13.06.2018**. Sh.Raj Kumar, ASI, Police Station, Ladowal was present on behalf of respondent-PIO who pleaded that the appellant may visit their office and inspect the available record and get the requisite information. The PIO was directed to provide the point-wise information to the appellant before the next date of hearing.

The case was last heard on **30.07.2018**. The order is reproduced hereunder:

“The appellant has informed that he had visited the office of PIO and after inspecting the record, the PIO was apprised of the information required. The respondent has informed that he has brought the information.

The PIO is directed to send the information to the appellant via Registered Post. The appellant is asked to go through the information and inform the deficiency, if any, to the PIO.”

Hearing dated 25.10.2018:

The case has come up for hearing today through video conference facility available in the office of the Deputy Commissioner, Ludhiana. The appellant has informed that no information has been provided to him so far.

The respondent is absent without intimation to the Commission. Despite repeated orders of the Commission on 13.06.2018 and 30.07.2018, no information has been provided.

The Commission has taken a serious note of this and hereby directs the PIO **to show cause why penalty be not imposed on him under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time**. He should file an affidavit in this regard, if there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

The PIO is also directed to provide the information to the appellant within 10 days of the receipt of the orders of the Commission and send compliance report to the Commission.

To come up on **03.12.2018 at 11.00 AM** for further hearing.

Sd/-

Chandigarh
Dated: 25.10.2018

(Khushwant Singh)
State Information Commissioner

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Sh Ashok Kapoor,
8-C, Kitchlu Nagar,
Ludhiana

Appellant.

Versus

Public Information Officer,
Tehsildar (W), Mini Secretariat,
Ludhiana.

First Appellate Authority,
SDM (W),
Ludhiana.

...Respondent

Appeal Case No. 1294 of 2018

Present: Sh.Ashok Kapoor as Appellant.
Sh.Davinder Bawa, O/o Tehsildar (W) Ludhiana for the respondent.

ORDER:

The case was first heard on **13.06.2018**. The respondent was absent. The Commission was of the view that a larger public interest is involved in the case, the PIO was hereby directed to be present personally on the next date of hearing to plead the case.

The case was last heard on **30.07.2018**. The respondent was absent. The order is reproduced hereunder:

"The appellant has informed that no information has been provided to him. The respondent is again absent without intimation to the Commission. Also there is no intimation from the PIO to explain the reason for not providing information except a letter bearing No.201 dated 07.06.2018 received in the Commission on 15.06.2018 mentioning that the appellant has not mentioned the khasra No. of the property for which the information is sought.

Having gone through the RTI and the reply of the respondent, it is clearly ascertained that the reply given is not as per the RTI application but wishy washy. Given the circumstances, the PIO is directed to appear personally on the next date of hearing and explain the reasons for not complying with the orders of the Commission and why action should not be taken against him under RTI Act, 2005."

Hearing dated 25.10.2018:

The case has come up for hearing today through video conference facility available in the office of the Deputy Commissioner, Ludhiana.

The respondent present has pleaded that the information was called from the concerned patwari and the same has been received. The respondent further pleaded that they will send the information to the appellant within 3 days.

The PIO is directed to provide the information to the appellant within 3 days and send a compliance report to the Commission. The PIO is also directed to be present personally on the next date of hearing and explain the reasons for delay in providing the information within the time prescribed under the RTI Act.

To come up on **03.12.2018 at 11.00 AM** for further proceedings to be heard 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**".

Chandigarh
Dated: 25.10.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Ashok Kapoor,
8-C, Kitchlu Nagar,
Ludhiana

Appellant.

Versus

Public Information Officer,
Police Station, Iadowal ,
Ludhiana.

First Appellate Authority,
Commissioner of Police,
Ludhiana

...Respondent

Appeal Case No. 1295 of 2018

Present: Sh.Ashok Kapoor as Appellant.
None for the Respondent

ORDER: The case was first heard on **13.06.2018**. Sh.Raj Kumar, ASI, Police Station, Iadowal was present on behalf of respondent-PIO who pleaded that the appellant may visit their office and inspect the available record and get the requisite information. The PIO was directed to provide the point-wise information to the appellant before the next date of hearing.

The case was last heard on **30.07.2018**. The order is reproduced hereunder:

“The appellant has informed that he had visited the office of PIO and after inspecting the record, the PIO was apprised of the information required. The respondent has informed that he has brought the information.

The PIO is directed to send the information to the appellant via Registered Post. The appellant is asked to go through the information and inform the deficiency, if any, to the PIO.”

Hearing dated 25.10.2018:

The case has come up for hearing today through video conference facility available in the office of the Deputy Commissioner, Ludhiana. The appellant has informed that no information has been provided to him so far.

The respondent is absent without intimation to the Commission. Despite repeated orders of the Commission on 13.06.2018 and 30.07.2018, no information has been provided.

The Commission has taken a serious note of this and hereby directs the PIO **to show cause why penalty be not imposed on him under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time**. He should file an affidavit in this regard, if there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

The PIO is also directed to provide the information to the appellant within 10 days of the receipt of the orders of the Commission and send compliance report to the Commission.

To come up on **03.12.2018 at 11.00 AM** for further hearing.

Sd/-

Chandigarh
Dated: 25.10.2018

(Khushwant Singh)
State Information Commissioner

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Sh Ashok Kapoor,
8-C, Kitchlu Nagar,
Ludhiana

Appellant.

Versus

Public Information Officer,
Police Station, Iadowal ,
Ludhiana.

First Appellate Authority,
Commissioner of Police,
Ludhiana

...Respondent

Appeal Case No. 1296 of 2018

Present: Sh.Ashok Kapoor as Appellant.
None for the Respondent

ORDER: The case was first heard on **13.06.2018**. Sh.Raj Kumar, ASI, Police Station, Iadowal was present on behalf of respondent-PIO who pleaded that the appellant may visit their office and inspect the available record and get the requisite information. The PIO was directed to provide the point-wise information to the appellant before the next date of hearing.

The case was last heard on **30.07.2018**. The order is reproduced hereunder:

“The appellant has informed that he had visited the office of PIO and after inspecting the record, the PIO was apprised of the information required. The respondent has informed that he has brought the information.

The PIO is directed to send the information to the appellant via Registered Post. The appellant is asked to go through the information and inform the deficiency, if any, to the PIO.”

Hearing dated 25.10.2018:

The case has come up for hearing today through video conference facility available in the office of the Deputy Commissioner, Ludhiana. The appellant has informed that no information has been provided to him so far.

The respondent is absent without intimation to the Commission. Despite repeated orders of the Commission on 13.06.2018 and 30.07.2018, no information has been provided.

The Commission has taken a serious note of this and hereby directs the PIO **to show cause why penalty be not imposed on him under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time**. He should file an affidavit in this regard, if there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

The PIO is also directed to provide the information to the appellant within 10 days of the receipt of the orders of the Commission and send compliance report to the Commission.

To come up on **03.12.2018 at 11.00 AM** for further hearing.

Sd/-

Chandigarh
Dated: 25.10.2018

(Khushwant Singh)
State Information Commissioner

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Sh Ashok Kapoor,
8-C, Kitchlu Nagar,
Ludhiana

Appellant.

Versus

Public Information Officer,
Police Station, Iadowal ,
Ludhiana.

First Appellate Authority,
Commissioner of Police,
Ludhiana

...Respondent

Appeal Case No. 1297 of 2018

Present: Sh.Ashok Kapoor as Appellant.
None for the Respondent

ORDER: The case was first heard on **13.06.2018**. Sh.Raj Kumar, ASI, Police Station, Iadowal was present on behalf of respondent-PIO who pleaded that the appellant may visit their office and inspect the available record and get the requisite information. The PIO was directed to provide the point-wise information to the appellant before the next date of hearing.

The case was last heard on **30.07.2018**. The order is reproduced hereunder:

“The appellant has informed that he had visited the office of PIO and after inspecting the record, the PIO was apprised of the information required. The respondent has informed that he has brought the information.

The PIO is directed to send the information to the appellant via Registered Post. The appellant is asked to go through the information and inform the deficiency, if any, to the PIO.”

Hearing dated 25.10.2018:

The case has come up for hearing today through video conference facility available in the office of the Deputy Commissioner, Ludhiana. The appellant has informed that no information has been provided to him so far.

The respondent is absent without intimation to the Commission. Despite repeated orders of the Commission on 13.06.2018 and 30.07.2018, no information has been provided.

The Commission has taken a serious note of this and hereby directs the PIO **to show cause why penalty be not imposed on him under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time**. He should file an affidavit in this regard, if there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

The PIO is also directed to provide the information to the appellant within 10 days of the receipt of the orders of the Commission and send compliance report to the Commission.

To come up on **03.12.2018 at 11.00 AM** for further hearing.

Sd/-

Chandigarh
Dated: 25.10.2018

(Khushwant Singh)
State Information Commissioner

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Sh Ashok Kapoor,
8-C, Kitchlu Nagar,
Ludhiana

Appellant.

Versus

Public Information Officer,
Police Station, Iadowal ,
Ludhiana.

First Appellate Authority,
Commissioner of Police,
Ludhiana

...Respondent

Appeal Case No. 1298 of 2018

Present: Sh.Ashok Kapoor as Appellant.
None for the Respondent

ORDER: The case was first heard on **13.06.2018**. Sh.Raj Kumar, ASI, Police Station, Iadowal was present on behalf of respondent-PIO who pleaded that the appellant may visit their office and inspect the available record and get the requisite information. The PIO was directed to provide the point-wise information to the appellant before the next date of hearing.

The case was last heard on **30.07.2018**. The order is reproduced hereunder:

“The appellant has informed that he had visited the office of PIO and after inspecting the record, the PIO was apprised of the information required. The respondent has informed that he has brought the information.

The PIO is directed to send the information to the appellant via Registered Post. The appellant is asked to go through the information and inform the deficiency, if any, to the PIO.”

Hearing dated 25.10.2018:

The case has come up for hearing today through video conference facility available in the office of the Deputy Commissioner, Ludhiana. The appellant has informed that no information has been provided to him so far.

The respondent is absent without intimation to the Commission. Despite repeated orders of the Commission on 13.06.2018 and 30.07.2018, no information has been provided.

The Commission has taken a serious note of this and hereby directs the PIO **to show cause why penalty be not imposed on him under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time**. He should file an affidavit in this regard, if there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

The PIO is also directed to provide the information to the appellant within 10 days of the receipt of the orders of the Commission and send compliance report to the Commission.

To come up on **03.12.2018 at 11.00 AM** for further hearing.

Sd/-

Chandigarh
Dated: 25.10.2018

(Khushwant Singh)
State Information Commissioner

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Sh. Harpreet Singh, S/o Sh.Gurdev Singh,
Professor Colony, Near DAV College,
Jalalabad, Distt.Fazilka

... Appellant

Versus

Public Information Officer,
SSP,
Fazilka.

First Appellate Authority,
IGP, Ferozepur Zone,
Ferozepur

...Respondent

Appeal Case No. 1985 of 2018

Present: Sh.Harpreet Singh as Appellant
Sh.Jaswinder Singh O/o SSP Fazilka on behalf of the Respondent

The case was last heard **on 30.07.2018**. **Sh.Vaibhav Sehgal** from the office of SSP Fazilka was present on behalf of the respondent. The order is reproduced hereunder:

“Information sought

The appellant through a RTI application dated 05.03.2018 had sought the copy of a departmental enquiry report against Sh.Jaswant Singh, Sh.Kashmir Singh and Sh.Bhajan Singh.

The enquiry, according to the appellant was conducted in compliance with the orders of the Director Bureau of Investigation Punjab on a complaint filed by him, and was conducted by the SSP of Fazilka.

Relevant facts emerging during the hearing

1) The appellant was sent a communication by the PIO vide letter dated 20.4.2018 whereby it was stated that since Inspector Jaswant Singh has been transferred to Moga, his enquiry case has been sent to SSP Moga.

2) The PIO in his communication further informed that the information relating to Sh.Bhajan Singh and Sh.Kashmir Singh was third party and hence exempted u/s 8(1)(j) of the RTI act 2005, which reads as follows –*“information which relates to personal information the disclosure of which has not relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information: Provided that the information, which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.”*

3) The appellant deemed this reply as denial of information, since he was seeking information about a complaint that he had filed himself, and filed a first appeal before the first appellate authority on 23.04.2018, which took no decision on the appeal. After failing to get his RTI application redressed from the first appellate authority, the appellant filed an appeal with the commission, which came up for hearing at on 30/07/2018. In the appeal, the appellant has pleaded that he is the complainant in the case and the Bureau of Investigation Punjab ordered

the enquiry to SSP Fazilka on his complaint. He further pleaded that he has every right to seek the enquiry report, which is not personal but has larger public interest.

4) In its reply to the notice of the commission, the respondent via a letter dated 18.7.2018 (diary No.14563) has once again reiterated the same reason for denial of information i.e u/s 8(J)(i) of the RTI Act. The respondent has also cited a decision of the Hon'ble Supreme Court of India in appeal case No.22 of 2009 of Canara Bank, Kerala, whereby the release of personal information has been exempted u/s 8(1)(j) of the RTI Act.2005.

5) The respondent in the letter has along with this clause also added another pretext for denial of information, which is the release of information, may put in danger the lives of Sh. Jaswant Singh, Sh. Kashmir Singh and Bhajan Singh, which was pleaded at time of hearing also. The respondent also informed that the enquiry has been completed.

6) The appellant who was present at the hearing pleaded the same reasons that he had petitioned in the appeal and said that he was being denied the information deliberately and there was malafide intention in not providing it. He reiterated that he was the complainant and there was no reason that he could be denied the information.

Interim Order

1) Given the above facts of the case, the matter before the commission is that a) has the PIO disposed the RTI as per the Act or merely put the ball in SSP Moga's court in the case of Sh. Jaswant Singh, b) is the PIO justified in invoking Section 8 (1)(j) of the RTI Act in the matter of Sh. Kashmir Singh and Bhajan Singh to deny information and c) is it reasonable and rational the claim that if information is provided it could endanger the life of the three named above. It is also to be seen whether these clauses were invoked as an attempt to deliberately deny information or not.

2) Given the first point, the PIO has clearly not adhered to the RTI Act. The PIO, instead of transferring the application to the public authority connected with Jaswinder Singh's information has chosen to direct the appellant instead. The PIO is directed to forward the application to the concerned authority i.e. SSP Moga within three days of receipt of this order and inform the appellant about the same.

3) The respondent has invoked Section 8 (1)(j) of the RTI act and the judgment the respondent has cited clearly is not applicable to this particular case as the appellant is seeking the copy of an enquiry report of a complaint that he has filed himself. In other words the appellant is seeking the result of a complaint, which he had filed. This point will be taken up for adjudication on the next date of hearing.

4) Regarding point number three, whereby the PIO has shown concern that providing the information can endanger the lives of Sh. Jaswant Singh, Sh. Kashmir Singh and Sh. Bhajan Singh, I find this to be merely an excuse to not provide the information. However, since the PIO has raised this concern, he is directed to submit a clear, cogent, concise submission as to how the release of information can lead to threat of life to the three. Mere assumption of threat cannot be a ground to refuse information. It should be based on some material fact and not merely on apprehension and without evidence. The PIO is directed to submit his reply to the commission within 10 days of receiving this order.

5) As far the appellant, he is directed to submit a copy of the complaint, which he filed to the Director Bureau of Investigation to the commission before the next date of hearing."

Hearing dated 25.10.2018:

The case has come up for hearing today through video conference facility available in the office of the Deputy Commissioner, Fazilka. Sh.Jaswinder Singh from the office of the SSP Fazilka is present on behalf of the Respondent

The respondent present reiterated his plea invoking section 8(1)(j) of the RTI Act as well as shown concern that providing the information can endanger the lives of Sh.Jaswant Singh, Sh. Kashmir Singh and Sh.Bhajan Singh. The appellant also reiterated his plea that he is seeking the copy of the enquiry report that he has filed himself.

After hearing both the parties, I adjudicate on the plea of the respondent and direct the PIO to provide action taken report on the complaint of the appellant filed against all three persons namely Sh.Jaswant Singh, Sh. Kashmir Singh and Sh.Bhajan Singh within 10 days and send compliance report to the Commission.

To come up **on 03.12.2018 at 11.00 AM** for further proceedings to be heard through video conference facility available **in the office of the Deputy Commissioner, Fazilka**. Copies of the order are sent to the parties **through registered post**.

Chandigarh
Dated: 25.10.2018

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: None for the Appellant
 Sh.Gagandeep Singh, Clerk O/o GAMADA Mohali for the Respondent

ORDER: The case was last heard on **11.09.2018**. The order is reproduced hereunder:

“The appellant through RTI application dated 11.01.2018 has sought information regarding total land with khasra numbers detail of land under title name of Tricity Media House Building Cooperative Society as per GMADA records and status of CLU and other information concerning the office of GMADA Mohali. The appellant was not provided the information after which he filed first appeal before the First Appellate Authority 11.04.2018 which took no decision on the appeal.

The appellant vide email, has informed that he will be out of station from 10.09.2018 to 15.09.2018 and has sought adjournment.

Since both the parties are absent, in the interest of justice one more opportunity is granted and the case is adjourned.”

Hearing dated 25.10.2018:

The respondent present has brought the information and a copy of the same is submitted to the Commission. The appellant is absent to point out the discrepancy, if any.

I have seen the reply of the respondent and observed that the respondent in his reply has 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 is 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 is 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.

Both the parties to be present on **03.12.2018 at 11.00 AM** for further hearing.

Chandigarh
Dated: 25.10.2018.

Sd/-
(Khushwant Singh)
State Information Commissioner

P.S. The appellant Sh.Rajeshwar Sharma came late and a copy of the information submitted by the respondent has been provided to him.