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Sh. Rajnish Khosla, (8146170500)
R/o # 77 R, State Bank Colony,
White Avenue, Amritsar-143001

...Appellant

Versus

Public Information Officer,
O/o Municipal Corporation,
Town Planning Branch, Amritsar

First Appellate Authority
O/o Municipal Corporation,
Amritsar.

...Respondents

APPEAL CASE NO. 1031 OF 2021

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant through an RTI application dated 18.06.2020 has sought the copy of notice received from a court for property No.2402/X-9, Bazar Sirki, Amritsar, relating to the case titled Kamal Kumar V/s Rajan from the O/o the Municipal Corporation, Town Planning Branch, Amritsar. The appellant was not provided with the information after which the appellant filed the first appeal before the first appellate authority on 03.08.2020 which did not decide on the appeal.

The case has already been heard by Sh. Hem Inder Singh, State Information Commissioner on 02.06.2021, 19.08.2021 and 17.11.2021. During the hearing, the appellant claimed that the PIO has not supplied the information.

Since the respondent was absent on three consecutive hearings nor had provided the information, the PIO was issued **show cause notice on 17.11.2021** with the direction to file a reply on an affidavit as well as to provide the information to the appellant.

The case came up for hearing before this bench on 05.07.2022 through video conferencing at DAC Amritsar. The appellant claimed that the PIO has not supplied the information.

Shri Dhirj Kumar was present on behalf of the respondent-PIO who informed that since the information was not specific, the appellant was asked vide letter dated 01.06.2021 to specify the information but the appellant did not specify the same. The PIO also sent a reply to the show cause notice through email which was taken on record.

As per the appellant, he had already specified the information.

The reply of the PIO was found conflicting since as per the RTI application, it is clear that the appellant is seeking a copy of the notice that was received by the office of the MC, which means the information is in the custody of the MC. There is prima-facie evidence that the information was being denied.

The current PIO was directed to provide the information to the appellant within five days of the receipt of the order.

As per information concluded at the hearing, Sh. Narinder Sharma was the PIO when the RTI application was filed and when the show cause notice was issued (now transferred and posted at MC, Moga). Shri Narinder Sharma, MTP-cum-PIO MC, Amritsar (now transferred and posted at MC, Moga) was given one last opportunity to file a reply to the show cause notice and also appear personally on the next date of hearing otherwise, it will be presumed that the PIO has nothing to say on the matter and the decision will be taken ex-party.

The case again came up for hearing before this Bench on 25.08.2022 through VC, which could be heard due to an internet problem, and the case was adjourned for 26.08.2022.

Hearing dated 26.08.2022:

The case has come up for hearing today through video conferencing at DAC Amritsar. Both parties are absent.

Sh. Narinder Sharma who was the PIO when the RTI application was filed and when the show cause notice was issued (now transferred and posted at MC, Moga), was given the last opportunity during the hearing on 05.07.2022 to file reply to the show cause notice.

However, as per information, Sh.Narinder Sharma is under suspension in some other case.

The Commission's show cause is kept in abeyance for the time being. The current PIO is directed to comply with the earlier order of the Commission and provide all the remaining information to the appellant. For any violation of the earlier order, the responsibility shall rest on the current PIO.

To come up for further hearing on **29.11.2022 at 11.00 AM** at Chandigarh.

Chandigarh
Dated: 26.08.2022

Sd/-
(Khushwant Singh)
State Information Commission



Sh Gurmukh Singh,
Old Anaj Mandi,
Ferozpur Cantt.

. . . Appellant

Versus

Public Information Officer,
O/o Distt Food & Civil Supplies Office,
Ferozpur.

First Appellate authority,
O/o Director, Food & Supplies Office,
Sector-39-C, Chandigarh.

...Respondent

Appeal Case No. 822 of 2022

**PRESENT: Sh.Gurmukh Singh as for the Appellant
None for the Respondent**

ORDER:

The appellant, through an RTI application dated 16.08.2021 has sought information to provide the copy of the notification of Govt. of Punjab for getting sticker from the area MC affixed & QR code on forms for issuance of new ration card under "atta dal scheme" – a copy of conditions of Govt. of Punjab for issuance of new ration card under the above scheme as enumerated in the RTI application concerning the office of the District Food Civil Supplied and Consumer Affairs, Ferozpur. The appellant was not provided with the information, after which the appellant filed the first appeal before the first appellate authority on 03.12.2021, which did not decide on the appeal.

The case came up for hearing on 25.08.2022 through VC, which could not be heard due to an internet problem and was adjourned for 26.08.2022.

The case has come up for hearing today through video conferencing at DAC Ferozpur. As per the appellant, the PIO has not supplied the complete information as per the RTI application.

The respondent is absent nor is represented.

Prima-facie, there has been an enormous delay of one year in providing the information. The Commission has taken a serious view 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/she 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 person(s) of the show cause and direct them to appear before the Commission along with the written replies.

The PIO is directed to provide complete information to the appellant immediately.

The case is adjourned. To come up for further hearing on **22.11.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Ferozpur.

Chandigarh
Dated: 26.08.2022

Sd/-
(Khushwant Singh)
State Information Commission



Sh Rajwinder Singh, S/o Sh Kuldeep Singh,
R/o # 26, Nagar Nigam Colony,
O/s Gilwali Gate, Amritsar.

... Appellant

Versus

Public Information Officer,
O/o District Election Officer,
-cum-DC, Amritsar.

First Appellate Authority,
O/o District Election Officer,
-cum-DC, Amritsar.

...Respondent

Appeal Case No. 888 of 2022

Present **None for the complainant**
Sh.Rajinder Singh, O/o Election Tehsildar, Amritsar and Sh.Narinder Pal
Singh O/o ADC(Rural Development) Amritsar for the respondent

Order

The appellant, through an RTI application dated 02.11.2021 has sought a list (along with address) of the voters of ward No.39, Amritsar, who had exercised their franchise in Punjab Vidhan Sabha Election-2017 - a list (along with the their address) of the voters of ward 40 Amritsar who exercised their franchise in Municipal Corporation Amritsar Election-2017-18 - a list (along with their address) of those voters of ward No.40, Amritsar who exercised their franchise in Lok Sabha Election-2019 and other information as enumerated in the RTI application concerning the office of the District Election Officer-cum-Dy. Commissioner, Amritsar. The appellant was not provided with the information after which the appellant filed first appeal before the first appellate authority on 04.12.2021 which took no decision on the appeal. After filing first appeal, the PIO sent a reply on 08.12.2021 to which the appellant was not satisfied and filed 2nd appeal in the Commission.

The case came up for hearing on 25.08.2022 through VC, which could not be heard due to an internet problem and adjourned for 26.08.2022.

The case has come up for hearing today through video conferencing at DAC Amritsar. The respondent present from the office of Election Tehsildar, Amritsar, pleaded that the since there is no pending petition relating to 11 Vidhan sabha election 2017 in the district, the record as per instructions dated 05.08.2020 of Chief Election Commission, Pb Chandigarh, relating to Punjab Vidhan Sabha Election 2017 stands destroyed on 31.08.2020, hence the information relating to point-1 cannot be provided.

Further, since there is no petition pending relating to the Lok Sabha elections of 2019 concerning the election halka 02-Amritsar & 03-Kadur Sahib, as per instructions dated 31.08.2020 of the Chief Election Commission, Pb Chandigarh, the record relating to Lok sabha Election 2019 stands destroyed on 31.08.2020, hence the information relating to point-3 cannot be provided.

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The respondent further informed that the information regarding point-2 relates to the Additional Deputy Commissioner(Rural Development) since the Municipal Corporation's election record is maintained by the ADC(Rural Development).

The respondent present from the office of ADC informed that since the record relating to MC Amritsar for the year 2017-18 as per conduct of election rule 1961 is secured, and can be inspected only under the order of the competent authority, hence cannot be provided.

The appellant is absent nor is represented.

Having gone through the RTI application and the reply of the PIO, the Commission finds that the point-1 & 3 of the RTI application has been sufficiently replied. The point-2 shall be decided on the next date of hearing.

The case is adjourned. To come up for further hearing on **21.11.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Amritsar.

Chandigarh
Dated: 26.08.2022

Sd/-
(Khushwant Singh)
State Information Commission