

# PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Sector 16, Chandigarh.

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

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Whatsapp No. 62848-20189 Cisco Webex: 158 708 3455



Sh. H.S. Hundal Advocate,

# 203, Judicial Courts,

Mohali.-160071.

M : 9878500082

..Appellant

Vs

Public Information Officer,

O/o Punjab State Information Commission, PB,

Chandigarh.

First Appellate Authority

O/o Punjab State Information Commission, PB,

Chandigarh.

....Respondent(s)

Appeal Case No. 126/2021

Present:- Sh. H.S. Hundal Advocate, appellant.

Sh. Sudhir Kumar, 9464395148 on behalf of the respondents.

## ORDER

This order may be read with reference to the previous order dated 15.9.2021.

2. The appellant has sought the following information:-

1. Certified copy of orders /directions to Secretary to the Commission for internal Inquiry and subsequent notings and directions passed by Secretary.
2. Copies of all summons /orders by the Secretary to all concerned regarding this Inquiry.
3. Copies of all replies/comments/statements by all concerned , and entire correspondence on this subject.
4. Copies of all inspection reports /letters/correspondence/ with Hon'ble CIC, any other Offices/employees/any person and other Authorities ,on this issue
5. Copies of all statements and all documents concerning this case and all actions initiated by Secretary or any other Official in this case
6. Certified copies of documents showing action taken by Secretary /CIC on this matter and present status on this issue.

3. The respondent-Public Information Officer states that he has brought the original files related to the sought information. He further requested that the appellant may be advised to inspect the original record and the documents so desired by the appellant, the same will be supplied to him with which the appellant agreed to.

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Appeal Case No. 126/2021

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4. That after the inspection of the files related to the sought information, the respondent assured that the identified information will be supplied to the appellant tomorrow and the appellant submits that he will collect the same by hand from the respondent-Public Information Officer.

5. According to the assurance given by the respondent-Public Information Officer, the directions are issued to the respondent-Public Information Officer to supply the information as has been identified by the appellant. With these directions, the Commission is of the view that no further action is required to be taken in this case. Hence, the case is disposed of and closed.

Dated: 26.10.2021

sd  
(Suresh Arora)  
Chief Information Commissioner,  
Punjab.

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Sh. Ramandeep Singh Ahluwalia

Ward No. 18, Street No. 2,

Kartar nagar,

Amloh Road, Khanna 141401

9464500405

....Appellant

vs

Public Information Officer

o/o Punjab State Information Commission,

Sector 16, Chandigarh.

First Appellate Authority

o/o Punjab State Information Commission,

Sector 16, Chandigarh.

....Respondents

Appeal Case No. 3681 of 2021

(Video Conference/Telephone Proceedings)

Present:- Sh. Ramandeep Singh Ahluwalia, appellant on phone.

Sh. Sudhir Kumar, SO on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 23.9.2021.

2. The appellant has sought the following information:-

- A) Certified copy of the court order/ judgement of any Indian court, act, circular or notification against which changes/amendments can be made in the Section, rules and regulations of the RTI Act 2005. Any such judgements passed by the Indian court of law should be supplied in regards to the RTI Act 2005 or the said RTI Act 2005 is supreme and can't be modified, amended, changed by the SIC's for benefiting the PIO's
- B) Certified copy of the Section of the RTI Act 2005 or any judgement of the court of law under which the applicant can be forced/pressurised or his application for information under RTI Act 2005 can be disposed of on the basis of an affidavit being filed by different PIO's which states that "no more information exists in the office of the PIO/public authority and what-so-ever information was it has been supplied" which is the normal tendency being adopted by the SIC's Punjab.
- C) Certified copy of the act, circular, notification or judgement of the court of law under which the plaintiff is bound to except such default affidavits which are being issued by the PIO's without mentioned the detailed list of the information called, which does not exist or is not available in the record of the PIO's/public authority or is not being supplied.
- D) Certified copy of the act, circular, notification or judgement of the court of law under which the plaintiff is bound to accept the called for information on his personal e-mail or any letter of correspondence sent by the PIO's or public authorities on the personal email of the complainant/plaintiff.
- E) Certified copy of the act, circular, notification or judgement of the court of law under which the SIC's have power to dispose off the Appeal Case without obtaining the reply to SHOW CAUSE NOTICE issued by the SIC's.
- F) Certified copy of the act, circular, notification or judgement of the court of law under which the SIC's have power to pass orders for the certification of documents of ranks of Junior engineer and others who are neither APIO's or PIO's ignoring the Section of the certification/attestation of documents under the INDIAN EVIDENCE ACT 1872.

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Appeal Case No. 3681 of 2021

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- G) Certified copy of the act, circular, notification or judgement of the court of law under which the SIC's can allow the PIO's to certify the copies of the documents which have the stamp "Scanned by the cam scanner" and as such these type of documents which are not directly being photocopied can be fabricated and such documents are forced to be accepted by the applicants.

3. The applicant states that he is not satisfied with the response of the respondent Public Information Officer. He has also sent the written submissions in this case, which are taken on record. However, the respondent Public Information Officer states that the reply has already been filed which is taken on record, in this case and also states that information which is in existence, as per the provisions of the RTI act, can only be supplied. He further requested to close the case.

4. The reply filed by the respondent is reproduced below:-

"....as per letter No.1/18/2011-IR dated 16.9.20211 of DoPT, New Delhi, the following directions have been issued:-

The Public Authority is not to collect or collate on available information to furnish to an applicant. Only such information which already exists and is held by Public Authority can be provided."

5. It is appropriate to mention that the "Information" means as per the provisions of the RTI Act, 2005, any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, report, papers, samples, models data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.

6. Furthermore, it is relevant to mention Section 2 (j) of the RTI Act, 2005 which is as follows:-

"right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—

- (i) inspection of work, documents, records;
- (ii) taking notes, extracts or certified copies of documents or records;
- (iii) taking certified samples of material;

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Appeal Case No. 3681 of 2021

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(iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.

7. In LPA No. 1737 of 2015 (O&M) Manjit Singh Vs State Information Commissioner, Punjab and Others (DOD 4.12.2015) the Hon'ble Court has held that

“Information sought is vague, indefinite and is a fishing enquiry. (We also find that the information has to be specific, which can be sought and supplied. The fishing enquiry is not intended to be subject matter of right to Information Act, 2005. Thus, we find that the process adopted by the appellant is gross misuse of the provisions of the Act, firstly, when he filed the writ petition and then the present letters patent appeal.”

8. Keeping in view the above, the Commission observes that no further action is required to be taken in this case as the appellant has not sought any specific information which is in existence. Hence, the case is disposed of and closed.

Dated: 26.10.2021

sd  
(Suresh Arora)  
Chief Information Commissioner,  
Punjab.



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Sh. Suresh Kumar

1 & 2<sup>nd</sup> Floor, Ward No. 20,

Piara Lal Thekedar Street,

Mansa 151505

....Appellant

Vs

Public Information Officer

o/o S.D.M.

Budhlada.

First Appellate Authority

o/o S.D.M.

Budhlada

....Respondents

Appeal Case No. 3315 of 2020

(Video Conference/Telephone Proceedings)

Present:- Sh. Suresh Kumar on behalf of the appellant.

Sh. Kala Ram Kansal, SDM-cum-FAA & Sh. Gurmeet Singh, Supdt.

9877486905, on telephone on behalf of the respondents.

## ORDER

This order may be read with reference to the previous order dated 22.9.2021.

2. The appellant has sought the following information:-

5.	Particulars of information solicited	① P.H.N.A. Mansa 27-8-2020 ② ਸਰਕਾਰੀ ਦਫ਼ਤਰੀ ਦਸਤਾਵੇਜ਼ਾਂ ③ ALL records 26-2-2020 ਨੂੰ ਮੁੜ ਮੁੜ 5956 ਫ਼ਾ 26/2/20
(a)	Subject matter of information	① P.H.N.A. Mansa 27-8-2020, 03-8-2020
(b)	The period to which the information relates	ਮਤ 7-8-2020, 17-8-2020, 13-8-2020, 27-8-2020
(c)	Specific details of information required	① ਸਾਰੀ ਜਾਂ ਧੰਨ 32 Inception To ① Certified true and legal documents ② ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ, ਫ਼ਾ. ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ ③ ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ, ਫ਼ਾ. ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ ④ ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ, ਫ਼ਾ. ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ ⑤ ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ, ਫ਼ਾ. ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ ⑥ ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ, ਫ਼ਾ. ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ ⑦ ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ, ਫ਼ਾ. ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ ⑧ ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ, ਫ਼ਾ. ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ ⑨ ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ, ਫ਼ਾ. ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ ⑩ ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ, ਫ਼ਾ. ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ
(d)	Whether information is required by post or in person (The actual postal charges shall be included in providing information)	ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ, ਫ਼ਾ. ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ, ਫ਼ਾ. ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ, ਫ਼ਾ. ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ, ਫ਼ਾ. ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ, ਫ਼ਾ. ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ, ਫ਼ਾ. ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ, ਫ਼ਾ. ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ, ਫ਼ਾ. ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ, ਫ਼ਾ. ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ, ਫ਼ਾ. ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ
(e)	In case by post (ordinary, registered or speed)	ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ, ਫ਼ਾ. ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ, ਫ਼ਾ. ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ, ਫ਼ਾ. ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ, ਫ਼ਾ. ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ, ਫ਼ਾ. ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ, ਫ਼ਾ. ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ, ਫ਼ਾ. ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ, ਫ਼ਾ. ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ, ਫ਼ਾ. ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ, ਫ਼ਾ. ਸਰਕਾਰੀ ਦਸਤਾਵੇਜ਼ਾਂ

3. The respondent Sub Divisional Magistrate-cum-First Appellate Authority states that the appellant has not appeared before him although a letter was issued to him vide which he was advised to visit the office and inspect the files related to the sought information so that the information can be supplied to the appellant. He further requested that the appellant may be directed to visit the office and inspect the files related to the sought

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Appeal Case No. 3315 of 2020

-2-

information and he will also pass the appropriate speaking order regarding the sought information.

Keeping in view the assurance given by the SDM-cum-First Appellate Authority, Budhlada and the fact that the appellant did not appear before the First Appellate Authority in spite of the written request sent to him.

Therefore, the directions are issued to the SDM-cum-First Appellate Authority to call the appellant to appear before him and pass the speaking order in this case within 30 days from the receipt of this order. The appellant is also directed to appear before him and inspect the record concerning the sought information and take the information after its identification, if any.

With these directions, the case is disposed of and closed. However, appellant can file the second appeal, if he is not satisfied with the decision of the First Appellate Authority.

sd

Dated: 26.10.2021

(Suresh Arora)

Chief Information Commissioner,  
Punjab.

Sh. Kala Ram Kansal, **Registered**  
Sub Divisional Magistrate-cum-  
First Appellate Authority,  
Budhlada

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Sh. Suresh Kumar

1 & 2<sup>nd</sup> Floor, Ward No. 20,

Piara Lal Thekedar Street,

Mansa 151505

....Appellant

Vs

Public Information Officer

o/o S.D.M.

Budhlada.

First Appellate Authority

o/o S.D.M.

Budhlada

....Respondents

Appeal Case No. 3318 of 2020

(Video Conference/Telephone Proceedings)

Present:- Sh. Suresh Kumar on behalf of the appellant.

Sh. Kala Ram kansal, SDM-cum-FAA & Sh. Gurmeet Singh, Supdt. 9877486905  
on behalf of the respondents.

## ORDER

This order may be read with reference to the previous order dated 22.9.2021.

2. The appellant has sought the following information:-

(a) Concerned department ਪੰਜਾਬ ਰਾਜ ਸੂਚਨਾ ਕਮਿਸ਼ਨ  
ਸੰਬੰਧਤ ਫਾਈਲਾਂ ਨੂੰ ਫਾਰਵਰਡ ਕੀਤਾ ਜਾਵੇਗਾ  
ਤਾਰੀਖ: ੭/੧੦/੨੦੨੦ 578 / ੧੫੨-੧  
(b) Period for which information is sought ਮਿਤੀ: ੦੧-੭-੨੦੨੦

3. The respondent Sub Divisional Magistrate-cum-First Appellate Authority states that the appellant has not appeared before him although a letter was issued to him vide which he was advised to visit the office and inspect the files related to the sought information so that the information can be supplied to the appellant. He further requested that the appellant may be directed to visit the office and inspect the files related to the sought information and he will also pass the appropriate speaking order regarding the sought information.

4. Keeping in view the assurance given by the SDM-cum-First Appellate Authority, Budhlada and it is a fact that the appellant did not appear before the First Appellate Authority in spite of the written request sent to him.



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Contd..p/2

Appeal Case No. 3318 of 2020

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5. Therefore, the directions are issued to the SDM-cum-First Appellate Authority to call the appellant to appear before him and pass the speaking order in this case within 30 days from the receipt of this order. The appellant is also directed to appear before him and inspect the record concerning the sought information and take the information after its identification, if any.

6. With these directions, the case is disposed of and closed. However, appellant can file the second appeal in this case, if he is not satisfied with the decision of the First Appellate Authority.

sd

Dated: 26.10.2021

(Suresh Arora)

Chief Information Commissioner,  
Punjab.

Sh. Kala Ram Kansal, **Registered**  
Sub Divisional Magistrate-cum-  
First Appellate Authority,  
Budhlada

# PUNJAB STATE INFORMATION COMMISSION

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Sh. Jasbir Singh Chahal, s/o Sh. Shangara Singh

r/o H.No. 154, Village Khichian,

Tehsil Baba Bakala Sahib, District Amritsar

9815754630

....Appellant

vs

Public Information Officer

o/o Deputy Commissioner,

District Amritsar

First Appellate Authority

o/o Deputy Commissioner,

District Amritsar

Public Information Officer

**Registered**

o/o Tehsildar,

Baba Bakala Sahib,

District Amritsar

....Respondents

Appeal Case No. 3691 of 2021

(Video Conference/Telephone Proceedings)

Present:- Sh. Jasbir Singh Chahal, appellant on telephone.

Shri Sarbajit Singh, Tehsildar 9417117053 on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 23.9.2021.

2. The appellant has sought the following information:-

- (i) **Subject matter of information** : ਇੰਤਕਾਲ ਨੰ: 10372 ਦਰਜ ਮਿਤੀ 02.12.2019 ਖਾਤਾ ਖਤੋਨੀ ਨੰ: 161/303 ਖਸਰਾ ਨੰ: 34/4/3/2 (6-13) ਰਕਬਾ ਪਿੰਡ ਰਈਆ ਦੀ ਜਾਣਕਾਰੀ ਲੈਣ ਸਬੰਧੀ।
- (ii) **The period to which the information relates to**: ਜਮਾਂਬੰਦੀ 2016-17 ਮੁਤਾਬਕ (ਜਮਾਂਬੰਦੀ ਦੀ ਫੋਟੋ ਕਾਪੀ ਨੱਥੀ ਹੈ)
- (iii) **Description of the Information required**:
  - 1) ਇਹ ਕਿ ਇੰਤਕਾਲ ਨੰ: 10372 ਦਰਜ ਮਿਤੀ 02.12.2019 ਹਿੱਸੇ ਅੰਦਰ ਦਰਜ ਵਾ ਮਨਜ਼ੂਰ ਕੀਤਾ ਗਿਆ ਹੈ? ਦੱਸਿਆ ਜਾਵੇ ਜੀ।
  - 2) ਇਹ ਕਿ ਜੇਕਰ ਹਿੱਸੇ ਤੋਂ ਬਾਹਰ ਜਾ ਕੇ ਇੰਤਕਾਲ ਦਰਜ ਵਾ ਮਨਜ਼ੂਰ ਕੀਤਾ ਗਿਆ ਹੈ ਤਾਂ ਕਿਸ ਕਾਨੂੰਨ ਅਧੀਨ ਦਰਜ ਵਾ ਮਨਜ਼ੂਰ ਕੀਤਾ ਗਿਆ ਹੈ? ਦੱਸਿਆ ਜਾਵੇ ਜੀ।
  - 3) ਇਹ ਕਿ ਜੇਕਰ ਇਹ ਇੰਤਕਾਲ ਕਾਨੂੰਨ ਤੋਂ ਬਾਹਰ ਜਾ ਕੇ ਦਰਜ ਵਾ ਮਨਜ਼ੂਰ ਕੀਤਾ ਗਿਆ ਹੈ ਤਾਂ ਮੈਨੂੰ ਕਸੂਰਵਾਰ ਅਧਿਕਾਰੀਆਂ ਦਾ ਨਾਮ, ਅਹੁਦਾ ਅਤੇ ਉਹਨਾਂ ਵਿਰੁੱਧ ਕੀਤੀ ਜਾ ਰਹੀ ਕਾਰਵਾਈ ਬਾਰੇ ਦੱਸਿਆ ਜਾਵੇ ਜੀ।
- (iv) **Whether information is required by post or in person**: By Post
- (v) **In Case of post (Ordinary, registered or Speed)** : By Speed post

Contd..p/2

# PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

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Appeal Case No. 3691 of 2021

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3. The appellant states that the respondent-Public Information Officer may be directed to supply the complete information in this case. However, the respondent-Public Information Officer states that the appellant has sought the information in question form and nothing can be supplied to the appellant as per the provisions of the RTI Act, 2005.

4. Keeping in view the sought information and the submissions made by the appellant, the Commission accepts the plea taken by the respondent that the appellant has sought the information in question form. Therefore, nothing can be supplied as per the provisions of the RTI Act, 2005. Accordingly, the Commission observes that no further action is required to be taken in this case. Hence, the case is disposed of and closed.

sd

(Suresh Arora)

Chief Information Commissioner,  
Punjab.

Dated: 26.10.2021