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Email: psicsic31@punjabmail.gov.in Visit us - www.infocommpunjab.com Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.



Sh. Rakesh Kumar Gupta, Advocate, S/o Sh. Des Raj Gupta,

# 8 / 237, Jagraon Road, Mandi Mullanpur, District Ludhiana (1411012) M: 98149-24851

Appellant

V/s.

**Public Information Officer,** 

O/o The Regional Deputy Director, Urban Local Government, Punjab, Ludhiana (Punjab)

First Appellate Authority,

O/o The Director, Local Government,

Punjab, Sector 35-A, Municipal Bhawan, Chandigarh.

Respondent

Appeal Case No. 4522 of 2019

{Heard through CISCO WEBEX MEETINGS Software}

**<u>Present</u>**: The Appellant, Sh. Rakesh Kumar is present.

Sh. Gurdeep Singh, Superintendent is present from the Department.

Order:

This case was last heard on 13.10.2020. On the same date, the Appellant was directed to point out the deficiencies in the supplied information and the Respondent/ PIO was directed to remove the same if pointed out by the Appellant in time.

In today's hearing, the Appellant, Sh. Rakesh Kumar states that incomplete information has been supplied to him and he further mentions that an email dated 05.01.2021 which has been sent to the Commission and the same is taken on record. He further states that only copies 13 complaints have been received by him and further states that there are more than 13 complaints which has been received by the Department. The Appellant also clarifies that after the last order he had pointed out the deficiencies and the same has been conveyed to the Department.

On asking the same to the representative of Respondent/ PIO, Sh. Gurdeep Singh, Superintendent states that the information which has been supplied to the Appellant relating to RTI Application dated 02.12.2019 is complete in nature and further states that the deficiencies list which has been sent to them by the Appellant is relating to another case AC: 369 / 2020 (i.e. going to be heard by undersigned on 01.02.2021), as both the cases (i.e. present case AC: 4522 / 2019 and another case AC: 369 / 2020) have same nature.

After going through the case file and discussing with both the parties, the Appellant is directed to point out the deficiencies again through registered post to the Respondent/ PIO along with a copy to the Commission. The Respondent / PIO is directed to supply the information after removing the deficiencies, if any, pointed out by the Appellant in time and Respondent / PIO is also directed to submit in writing ( signed by the PIO ) that there were only 13 complaints received by their Department during the mentioned period in the RTI Application.

For clarifying the facts of this case, this case would be heard on 01.02.2021 along with another case i.e. AC: 369 /2020.

This case is adjourned to 01.02.2021 at 11:00 A.M.' and both the concerned parties are directed to be present on the next date of hearing i.e. 01.02.2021 which is going to be heard through Software/Application Cisco Webex Meetings and the Meeting Id Number is 918782948.

Copy of the order be sent to the parties.

Dated: 05.01.2021

Sd/-

(Sanjiv Garg)
State Information Commissioner
Punjab

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Email: <u>psicsic31@punjabmail.gov.in</u> Visit us - <u>www.infocommpunjab.com</u> Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.



Sh. Kuldip Kumar Kaura,

House Number 5 - C, Phase – 1,

Urban Estate, Focal Point, Ludhiana (141010) Pb.

...Appellant

**Public Information Officer.** 

**O/o** The Commissioner, Zone –B, Municipal Corporation, Ludhiana.

First Appellate Authority,

**O/o** The Commissioner, Zone –B, Municipal Corporation, Ludhiana.

...Respondents

Appeal Case No. 234 of 2020
[Heard through CISCO WEBEX MEETINGS Software]

V/s.

**Present**: The Appellant, Sh. Kuldip Kumar Kaura is present.

Dr. Jasvir Kaur, Health Officer (Establishment Branch) is present from the

Department.

**ORDER:** 

This case was last heard on 13.10.2020 vide which the opportunity was given to the PIO to supply the remaining information to the Appellant.

In today's hearing, Sh. Kuldip Kumar Kaura states that the information has been supplied to him except information relating to point number 06 which is pending only, this is taken on record.

On the other hand, Dr. Jasvir Kaur requests for an adjournment and further states that her clerk had got suspended 3 days ago and she needs some time to supply the remaining information to the Appellant.

The Respondent / PIO is directed to supply the remaining information i.e. relating to point number 06 to the Appellant by hand or through registered post within 10 days from today, failing which an action would be taken against the PIO.

The Appellant is directed to go through the supplied information, once he receives the same from the Respondent/PIO and point out deficiencies in written, if any, to the Respondent/PIO through registered post or through email, with a copy to the Commission, failing which the case will be decided on merits.

This case is adjourned to '05.04.2021 at 11:00 A.M.' and both the parties are directed to be present on the next date of hearing i.e. 05.04.2021 which is going to be heard through Software/ Application Cisco Webex Meetings. Meeting Id Number is 918782948.

Copy of the order be sent to the parties.

Sd/-(Sanjiv Garg) State Information Commissioner Punjab

Dated: 05.01.2021

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Email: <u>psicsic31@punjabmail.gov.in</u> Visit us - <u>www.infocommpunjab.com</u> Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.



Sh. Kuldip Kumar Kaura,

House Number 5 - C, Phase - 1,

Urban Estate, Focal Point, Ludhiana (141010) Pb.

...Appellant

**Public Information Officer.** 

**O/o** The Commissioner, Zone –A, Municipal Corporation, Ludhiana.

First Appellate Authority,

**O/o** The Commissioner, Zone –A, Municipal Corporation, Ludhiana.

...Respondents

Appeal Case No. 236 of 2020
{Heard through CISCO WEBEX MEETINGS Software}

V/s.

**Present**: The Appellant, Sh. Kuldip Kumar Kaura is present.

Dr. Jasvir Kaur, Health Officer (Establishment Branch) is present from the

Department.

None is present from O & M Cell.

**ORDER:** 

This order may be read with the reference of previous order dated 13.10.2020.

In today's hearing, Sh. Kuldip Kumar Kaura states that he had informed the Department about the 200 Sewer men against whom he wanted the address.

On the other hand, Dr. Jasvir Kaur states that this case belongs to O & M Cell and the information has to be supplied by them only.

After discussing with both the parties and going through the case file, it has been observed that on the previous hearing dated 13.10.2020, Sh. Sandeep Sharma (SDO), O & M Cell Zone-A was present and on the same date the concerned PIO was directed to supply the information after confirming the names of Sewer men from the Appellant.

But nobody comes present from O & M Cell today and the Appellant states that information has not been supplied to him after the last order of the Commission dated 13.10.2020.

Commission takes a very serious view of the casual approach of the concerned PIO, as the information relating to the concerned RTI is still pending.

In view of the above, a show cause notice under Section 20 (1) of the RTI Act is issued to the 'concerned' PIO O/o The Commissioner, Municipal Corporation, O & M Cell Zone –A, Ludhiana, as to why penalty be not imposed upon him for willful delay in supplying the information to the RTI Appellant and as to why the compensation be not awarded to the information-seeker under the provisions of the RTI Act, 2005.

In addition, the PIO is also hereby given an opportunity under Section 20(1) provision thereto, for a personal hearing with the sought for information, before the imposition of such penalty on the next date of hearing.

1/2

# Appeal Case No. 236 of 2020



2/2

The concerned PIO is directed to supply the requisite information to the Appellant by hand or through registered post before the next date of hearing, failing which an action would be taken against the concerned PIO and if the information is not available with them then the PIO is directed to file a proper reply in the form of an affidavit explaining with the reason, why the information could not be supplied to the Appellant till date. Also, the concerned PIO is directed to go through the last order of the Commission dated 13.10.2020 along with today's order dated 05.01.2021 and comply the same.

A copy of this order be sent to the concerned PIO through registered post.

The Appellant is advised to go through the supplied information, once he receives the same from the Respondent/PIO and point out deficiencies in written, if any, to the Respondent/PIO through registered post or through email, with a copy to the Commission, failing which the case will be decided on merits.

This case is adjourned to 05.04.2021 at 11:00 A.M.' and both the parties are directed to be present on the next date of hearing i.e. 05.04.2021 which is going to be heard through Software/ Application Cisco Webex Meetings. Meeting Id Number is 918782948.

Copy of the order be sent to the parties.

Sd/-(Sanjiv Garg) State Information Commissioner Punjab

**Show Cause:** 

Dated: 05.01.2021

{Regd. Post} Public Information Officer,

O/o The Commissioner,

Municipal Corporation, O & M Cell, Zone -A,

Ludhiana.

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.



Sh. Kuldip Kumar Kaura,

House Number 5 - C, Phase - 1,

Urban Estate, Focal Point, Ludhiana (141010) Pb.

... Appellant

(Regd. Post) Public Information Officer,

**O/o** The Commissioner, Zone –D, Municipal Corporation, Ludhiana.

First Appellate Authority,

**O/o** The Commissioner, Zone –D, Municipal Corporation, Ludhiana.

...Respondents

Appeal Case No. 233 of 2020

V/s.

{Heard through CISCO WEBEX MEETINGS Software}

**Present**: The Appellant, Sh. Kuldip Kumar Kaura is present.

None is present from MC, Zone-D, Ludhiana. **ORDER:** 

This case was last heard on 13.10.2020 vide which the Respondent / PIO i.e. MC, Zone – D, Ludhiana was clearly directed to supply the requisite information to the Appellant by the next date of hearing.

In today's hearing, none comes present from the Department.

On this, the Appellant, Sh. Kuldip Kumar Kaura states that nothing has been supplied to him after the last order which was passed by the Commission on dated 13.10.2020.

Commission takes a very serious view of the casual approach of the concerned PIO, as the information relating to the concerned RTI is still pending.

In view of the above, a show cause notice under Section 20 (1) of the RTI Act is issued to the 'concerned' PIO O/o The Commissioner, Municipal Corporation, Zone –D, Ludhiana, as to why penalty be not imposed upon him for willful delay in supplying the information to the RTI Appellant and as to why the compensation be not awarded to the information-seeker under the provisions of the RTI Act, 2005.

In addition, the PIO is also hereby given an opportunity under Section 20(1) provision thereto, for a personal hearing with the sought for information, before the imposition of such penalty on the next date of hearing.

The concerned PIO is directed to supply the requisite information to the Appellant by hand or through registered post before the next date of hearing, failing which an action would be taken against the concerned PIO and if the information is not available with them then the PIO is directed to file a proper reply in the form of an affidavit explaining with the reason, why the information could not be supplied to the Appellant till date. A copy of this order be sent to the concerned PIO along with the RTI Application through registered post.

The Appellant is advised to go through the supplied information, once he receives the same from the Respondent/PIO and point out deficiencies in written, if any, to the Respondent/PIO through registered post or through email, with a copy to the Commission, failing which the case will be decided on merits.

# Appeal Case No. 233 of 2020 2/2



This case is adjourned to **05.04.2021 at 11:00 A.M.**' and both the parties are directed to be present on the next date of hearing i.e. **05.04.2021** which is going to be heard through **Software/ Application Cisco Webex Meetings. Meeting Id Number is 918782948.** 

Copy of the order be sent to the parties.

Sd/-(Sanjiv Garg) State Information Commissioner Punjab

**Show Cause:** 

Dated: 05.01.2021

{Regd. Post} Public Information Officer,

O/o The Commissioner,

Municipal Corporation, Zone –D, Ludhiana. {Encl. RTI Application}

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Email: <u>psicsic31@punjabmail.gov.in</u> Visit us - <u>www.infocommpunjab.com</u> Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.



{Regd. Post} Sh. Sarabjeet Singh Gill,

House Number 60-35-P-376-1, Street Number 08, Maha Singh Nagar, P.O. Dhandari Kalan,

Ludhiana (141014) Punjab.

...Appellant

(Regd. Post) Public Information Officer,

**O/o** The Chairperson, Improvement Trust, Ludhiana (Pb.)

(Regd. Post)First Appellate Authority,

**O/o** The Chairperson, Improvement Trust, Ludhiana (Pb.)

...Respondents

Appeal Case No. 1475 of 2019
{Heard through CISCO WEBEX MEETINGS Software}

V/s.

**Present**: The Appellant, Sh. Sarabjeet Singh Gill is absent.

None is present from the Department.

Order:

This case was last heard on 13.10.2020 and Sh. Harmeet Singh, Junior Assistant was present from the Department. On the same day, last opportunity was given to PIO and was directed to supply the information to the Appellant before the next date of hearing.

In today's hearing, the Appellant is absent.

The Respondent / PIO is also absent without any intimation to the Commission.

After going through the case file, it has been observed that on first hearing dated 06.08.2019, an opportunity was given to the Respondent/ PIO as nobody came present from the Department on dated 06.08.2019. On the next hearing dated 09.10.2019, the show cause notice was issued to the concerned PIO as nobody came present from the Department and after that on the hearing dated 11.12.2019, Sh. Jaswinder Singh, SDO was present from the Department and the information was supplied to the Appellant during the Court and the Appellant was asked to point out the deficiencies to the Department from the received information. On the hearing dated 05.02.2020 nobody was present from the Department and an opportunity was given to both the parties. On hearing dated 15.06.2020, the Appellant stated that the information relating to point number 02 and 03 was pending and information relating to point number 01, 04 and 05 of the RTI request was incomplete in nature and on the other hand nobody came present from the Department on dated 15.06.2020. On the further hearing dated 10.08.2020, Sh. Harmeet Singh, JA-cum-APIO from Department was present and the Appellant stated that the information relating to point number 01, 04 and 05 was pending only. In the same hearing, due to non supplying the information relating to pending points a show cause was again issued to the concerned PIO and last opportunity was given to the concerned Respondent/ PIO to supply the information to the Appellant. On the previous hearing dated 13.10.2020, Sh. Harmeet Singh, JA-cum-APIO (from Department) was present and he stated that he was unaware of the hearing dated 13.10.2020 and requested for an adjournment and further assured that the information would be supplied to the Appellant within 10 days. On the same hearing, dated 13.10.2020 it was clearly directed to supply the information to the Appellant

# Appeal Case No. 1475 of 2019 2/2



and PIO, Ms. Kuljeet Kaur was directed to appear in person in today's hearing which is going to be heard through Cisco Webex Meetings.

But in today's hearing, none appears on behalf of the Department and neither the PIO comes present today.

The Commission took a serious view of this casual approach of the Respondent/ PIO, moreover, the requisite information has not been supplied by the Respondent/ PIO to the information seeker even after the directions were given by the Commission vide various orders as discussed above.

Accordingly, for making delay in supplying the requisite information to the informationseeker under Section 20 (1) of the RTI Act, a penalty of Rs. 10,000/- (Rupees Ten Thousand Only) is imposed upon the concerned Public Information Officer office of The Improvement Trust, Ludhiana.

A copy of this order be sent to him through registered post.

The amount of penalty will be deposited in the treasury of Punjab Government under the head.....

0070 -Other Administrative Services Major Head ...

Sub-Major Head .. 60 - Other Services

Minor Head ... 800 - Other Receipts

Sub-Head .. 86 - Fee under the Right to Information Act, 2005

Detailed Head .. 0070 Other Administrative Services 60

Other Services- 800- Other Receipts-

86- Fees under the Right to Information Act, 2005

And a copy of challan receipt be submitted to the Commission on the next date of hearing.

Final opportunity is also given to the Respondent/ PIO concerned to supply complete information to the Appellant with a copy to the Commission.

An opportunity is also given to the Appellant to confirm whether he has received the remaining information from the Respondent/ PIO or not.

This case is adjourned to **05.04.2021 at 11:00 A.M.**' and both the parties are directed to be present on the next date of hearing i.e. 05.04.2021 which is going to be heard through Video Conference Software/ Application Cisco Webex Meetings.

Copy of the order be sent to the parties through registered post.

Sd/-(Sanjiv Garg) **State Information Commissioner Punjab** 

Dated: 05.01.2021

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.



Village Bolapur, P.O. Ramgarh, Distt. Ludhiana (Punjab)

... Appellant

**Public Information Officer.** 

O/o The Executive Officer.

Nagar Council, Khanna (Distt. Ludhiana) Punjab.

First Appellate Authority,

O/o The Executive Officer,

Dated: 05.01.2021

Nagar Council, Khanna (Distt. Ludhiana) Punjab.

... Respondents

**Appeal Case No. 4251 of 2019** 

V/s.

{Heard through CISCO WEBEX MEETINGS Software}

The Appellant, Sh. Jasbir Singh Gill is absent. Present:

Sh. Harpal Singh, Accountant is present from the Department.

**ORDER:** 

This case may be read with the reference of the previous order dated 13.10.2020.

In today's hearing, the Appellant, Sh. Jasbir Singh is absent without any intimation to the Commission.

The representative of the Respondent / PIO, Sh. Harpal Singh states that the information has been supplied to the Appellant and further states that the information has already uploaded at their official website which can be accessible by anyone. He further mentions about an email dated 05.01.2021 in which the copy of postal receipt dated 30.12.2020 is attached vide which the information has been sent to the Appellant.

After going through the case file, it has been observed that a letter has been sent by the Appellant to the Commission which has been received in the Commission vide diary number 15821 dated 09.11.2020, in which the Appellant had written that no information has been received by the Appellant, which is taken on record.

In view of above, final opportunity is given to the Appellant and he is directed to inform the Court; whether he has received the information or not; or whether he is satisfied with the same or not, by the next date of hearing through email or through registered post, failing which it will be presumed that the Appellant has received the information and he is satisfied with the same and the case will be decided on merits.

This case is adjourned to 05.04.2021 at 11:00 A.M.' and both the parties are directed to be present on the next date of hearing i.e. 05.04.2021 which is going to be heard through Software/ Application Cisco Webex Meetings. Meeting Id Number is 918782948.

Copy of the order be sent to the parties.

Sd/-(Sanjiv Garg) **State Information Commissioner** Punjab

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.



House Number 195/2, Sector 45-A, Chandiugarh. (M: 98784 - 49199)

... Appellant

V/s.

**Public Information Officer.** 

O/o The Puniab Mandi Board. Sector 65-A, S.A.S Nagar (Punjab)

First Appellate Authority,

O/o The Deputy Director (Administration),

Punjab Mandi Board, Sector 65-A, S.A.S Nagar (Mohali).

...Respondents

Appeal Case No. 1379 of 2020

**Heard through CISCO WEBEX MEETINGS Software** 

The Appellant, Sh. Krishan Kumar Singla is present.

Ms. Jawinder Kaur, (Superintendent RTI) is present from the Department.

**ORDER:** 

Dated: 05.01.2021

Present:

This case was last heard on 20.11.2020 vide which the Respondent / PIO was directed to supply the remaining information to the Appellant by the next date of hearing.

In today's hearing, the Appellant, Sh. Krishan Kumar states that incomplete information has been supplied to him. He further states that incomplete information has been supplied to him relating to point number 06.

On this, the Superintendent RTI, Ms. Jaswinder Kaur states that the information has been supplied to the Appellant and further requests the Appellant if anything is not clear then he could visit their office or have a word with her on mobile phone relating to information.

Both the parties mutually agree and the mobile number has been exchanged between the parties during the proceedings of the Court. The Appellant, Sh. Krishan Kumar is directed to call Ms. Jaswinder Kaur and discuss with her remaining information relating to his RTI Application.

The concerned Respondent/ PIO is directed to supply the requisite information to the Appellant by hand or through registered post before the next date of hearing (after discussing the same on phone).

The Appellant is advised to go through the supplied information, once he receives the same from the Respondent/PIO and point out deficiencies in written, if any, to the Respondent/PIO through registered post or through email, with a copy to the Commission, failing which the case will be decided on merits.

This case is adjourned to 05.04.2021 at 11:00 A.M.' and both the parties are directed to be present on the next date of hearing i.e. 05.04.2021 which is going to be heard through Software/ Application Cisco Webex Meetings. Meeting Id Number is <u>918782948.</u> Copy of the order be sent to the parties.

> Sd/-(Sanjiv Garg) **State Information Commissioner Punjab**

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<u>Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.</u>



Sh. Krishan Kumar Singla,

House Number 195/ 2, Sector 45-A, Chandigarh. (M: 98784-49195)

...Appellant

Public Information Officer.

**O/o** The Divisional Forest Officer (Wildlife), Forest Complex, Sector 68, S.A.S Nagar (Mohali)

First Appellate Authority,

**O/o** The Divisional Forest Officer, (Wildlife), Forest Complex, Sector 68, S.A.S Nagar (Mohali)

...Respondent

Appellant Case No. 1227 of 2020
{Heard through CISCO WEBEX MEETINGS Software}

V/s.

**Present**: The Appellant, Sh. Krishan Kumar is present.

Sh. Gurmeet Singh, Superintendent is present from the Department.

**ORDER**:

This case was last heard on 20.11.2020.

In today's hearing, the Appellant, Sh. Krishan Kumar states that no information has been supplied to him.

The Superintendent, Sh. Gurmeet Singh states that the information has been supplied to the Appellant vide registered post dated 06.11.2020.

After discussing with both the parties and going through the case file, last opportunity is given to the concerned PIO and he is directed to supply the requisite information to the Appellant by hand or through registered post (if not sent yet) before the next date of hearing, failing which an action would be taken against the concerned PIO and PIO is directed to submit the registered postal receipt of dated 06.11.2020 (vide which information has been sent to the Appellant) to the Commission by the next date of hearing.

The Appellant is advised to go through the supplied information, once he receives the same from the Respondent/PIO and point out deficiencies in written, if any, to the Respondent/PIO through registered post or through email, with a copy to the Commission, failing which the case will be decided on merits.

This case is adjourned to **05.04.2021 at 11:00 A.M.**' and both the parties are directed to be present on the next date of hearing i.e. **05.04.2021** which is going to be heard through **Software/ Application Cisco Webex Meetings. Meeting Id Number is 918782948.** 

Copy of the order be sent to the parties.

Sd/-(Sanjiv Garg) State Information Commissioner Punjab

Dated: 05.01.2021

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.



Sh. Jatinder Kumar,

C/o Sachkhand Mishtan Bhandar, Nehru Gate, Nawanshaher (Punjab)

... Appellant

**Public Information Officer**, **O/o** The Executive Officer, Nagar Council, Nawanshaher.

First Appellate Authority, O/o The Regional Deputy Director, Local Bodies, Punjab, Jalandhar (Punjab)

...Respondent

# Appellant Case No. 4280 of 2019 {Heard through CISCO WEBEX MEETINGS Software}

V/s.

**Present**: The Appellant, Sh. Jatinder Kumar is present.

Sh. Amardeep Singh, Superintendent is present from the Department.

**ORDER:** 

This case was last heard on 18.11.2020 vide which the Appellant was directed to visit for inspection to the concerned Department on 20.11.2020 and collect the record after inspecting the same.

In today's hearing, the Appellant, Sh. Jatinder Kumar states that the information relating to point number 07 is pending only. He further states that he needs a order vide which the Government has appointed a lawyer from the panel to represent CWP.

On this, the representative of the Respondent / PIO, Sh. Amardeep Singh states that the information has been supplied to the Appellant and further states that it was verbal order by Executive Officer vide which a lawyer has been appointed from the panel to represent CWP.

After discussing with both the parties and going through the case file, an opportunity is given to the concerned PIO and he is directed to supply the same in writing (as said by Sh. Amardeep Singh) signed by the PIO by the next date of hearing to the Appellant through registered post along with a copy to the Commission failing which an action could be taken against the PIO.

The Appellant is advised to go through the supplied information, once he receives the same from the Respondent/PIO and point out deficiencies in written, if any, to the Respondent/PIO through registered post or through email, with a copy to the Commission, failing which the case will be decided on merits.

This case is adjourned to **05.04.2021 at 11:00 A.M.**' and both the parties are directed to be present on the next date of hearing i.e. **05.04.2021** which is going to be heard through Software/ Application Cisco Webex Meetings. Meeting Id Number is 918782948.

Copy of the order be sent to the parties.

Dated: 05.01.2021

Sd/-(Sanjiv Garg) State Information Commissioner Punjab