

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
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Helpline No. 0172-2864100



Sh. Kulwant Singh, S/o Sh. Pritam Singh

VPO Pohir, Backside Peerkhana
Distt. Ludhiana – 141204 (9878973610)

.....Complainant

..Vs

Public Information Officer,
O/o Director General of Punjab
Punjab Police Headquarter, Sector 9,
Chandigarh

.....Respondent

CC No. 182 of 2022

Present : (i) None is present on behalf of the Complainant
(ii) For the respondent : Sh. Parshotam Kumar, ASI (9417131510)

ORDER

1. The RTI application is dated 07.02.2022 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 05.04.2022 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 13.05.202 i.e. today.

3. After going through the file, it is observed that this is the complaint case. The attention of the Complainant is drawn to the decision of the judgment of the Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos. Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010)- Chief Information Commissioner and another Vs. State of Manipur and another, in Para 31 whereof, it has been held that while entertaining a complaint case under Section 18 of the RTI Act , 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information which is as under:-

(31. We uphold the said contention and do not find any error in the impugned judgment of the High Court whereby it has been held that the Commissioner while entertaining a complaint under Section 18 of the said Act has no jurisdiction to pass an order providing for access to the information).

As such, since the complainant has approached the Commission under the provision of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

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CC No. 182 of 2022

Since there is an alternative and efficacious remedy of first appeal available to the Complainant under Section 19(1) of the RTI Act, 2005, which has not been availed in the instant case and the First Appellate Authority has not had the occasion to review the decision of the PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

4. The instant matter is now remanded back to the First Appellate Authority. The commission hereby directs the FAA to treat the copy of the complaint (copy enclosed) as the first appeal and decide the matter in accordance with the provisions of the RTI Act after giving all concerned parties an opportunity to be heard. He is directed to give an early date to hear the complainant and decide the matter. In case the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal with the Punjab State Information Commission in accordance with the provisions of the RTI Act 2005.

5. If, however, the complainant does not feel satisfied with the decision of the First Appellate Authority, he will be at liberty to file a Second Appeal before the Commission under Section 19(3) of the RTI Act, 2005.

6. In view of the observations noted above, the instant case is **disposed of**. Copies of this decision be sent to the parties **through registered post**.

Dated : 13.05.2022

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

Registered post:

First Appellate Authority
o/o Director General of Punjab
Punjab Police Headquarter, Sector 9, Chandigarh

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Sh Amarjit Singh Dhamotia, (M-9888710031)

#1331-5, Vishawkarma Bhawan,
Down Canal Road, Simlapuri, Ludhiana-141003

.....Appellant

..Vs

Public Information Officer,
O/o EO, Nagar Council, Naya Gaon, Distt- Mohali

First Appellate Authority
O/ EO, Nagar Council, Naya Gaon, Distt- Mohali

.....Respondent

AC No. 577 of 2022

Present : (i) None is present on behalf of the appellant

(ii) For the respondent : Smt. Shilpa Gupta , Clerk (7986661088) Sh. Khuspal Singh, Clerk (7087455908)

ORDER

The RTI application is dated 28.10.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 25.01.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 13.05.202 i.e. today.

3. The appellant is absent today.

4. The respondent has sent point wise proper reply to the Commission which is as under:-

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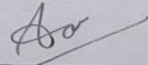


AC No. 577 of 2022

ਵਿਸ਼ਾ- ਆਰ.ਟੀ.ਆਈ ਐਕਟ 2005 ਅਧੀਨ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਸਬੰਧੀ।
 ਹਵਾਲਾ- ਆਪ ਦੇ ਪੱਤਰ ਮਿਤੀ 28/10/2021 ਦੇ ਸਬੰਧ ਵਿਚ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਅਧੀਨ ਆਪ ਵਲੋਂ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਹੇਤੂ ਲਿਖੇ ਅਨੁਸਾਰ ਹੈ-

ਸਿ ਨੰ-	ਮੰਗੀ ਗਈ ਸੂਚਨਾ	ਦਿੱਤੀ ਜਾਣ ਵਾਲੀ ਸੂਚਨਾ
	ਨਗਰ ਕੌਂਸਲ Nayagaon Distt SAS Nagar Mohali ਦੀ Jurisdiction ਵਿਚ ਜੋ Pvt. Hospital, Pvt. School, Resturents, Hotel + Marriage Palace N/Council Nayagaon ਦੇ Record ਵਿਚ ਹਨ ਉਹਨਾਂ ਦੀ List + Owners ਦੇ ਨਾਮ + ਰਕਬਾ + Address ਦੇਣੇ।	ਇਸ ਸਬੰਧੀ ਸੂਚਨਾ ਨਗਰ ਕੌਂਸਲ ਨਵਾਂਗਾਉ ਦੇ ਦਫਤਰੀ ਰਿਕਾਰਡ ਵਿਚ ਉਪਲੱਬਧ ਨਹੀਂ ਹੈ।
	ਅਤੇ ਉਕਤ ਅਦਾਰੇ ਜੋ N/Council Nayagaon ਦੇ Record ਵਿਚ ਨਹੀਂ ਹਨ ਪ੍ਰੰਤੂ Site ਤੇ ਬਣੇ ਹੋਏ ਹਨ ਅਤੇ Operational ਹਨ। ਉਹਨਾਂ ਦਾ ਵੀ Record ਦੇਣਾ।	ਇਸ ਸਬੰਧੀ ਸੂਚਨਾ ਨਗਰ ਕੌਂਸਲ ਨਵਾਂਗਾਉ ਦੇ ਦਫਤਰੀ ਰਿਕਾਰਡ ਵਿਚ ਉਪਲੱਬਧ ਨਹੀਂ ਹੈ।


 ਲੋਕ ਸੂਚਨਾਕਾਰ ਅਫਸਰ,
 ਨਗਰ ਕੌਂਸਲ ਨਵਾਂਗਾਉ।

5. In view of the above reply filed by the respondent appears to be convincing, hence no further cause of action is left. *The appellant is advised, he should file a fresh RTI application with the concerned department, if he wish so.* Therefore the appeal case filed by the appellant is disposed of and closed. Copy of the order be sent to the parties.

Dated : 13.05.2022

Sd/-
 (Amrit Partap Singh Sekhon)
 State Information Commissioner
 Punjab

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Sh Ravinder Singh Gill,
#986, Near Dev Hotel, Main Bazaar,
Moga-142001

.....Appellant

..Vs

Public Information Officer,
O/o DGP, Pb
PP Hqrs, sector 9, Chandigarh

First Appellate Authority
O/o DGP, Pb
PP Hqrs, sector 9, Chandigarh

.....Respondent

AC No. 621 of 2022

Present : (i) None is present on behalf of the appellant
(ii) For the respondent : Sh. Parshotam Kumar, ASI (9417131510) Sh. Charnjit, ASI (978000125)

ORDER

The RTI application is dated 13.09.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 27.01.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 13.05.2022 i.e. today.

3. The appellant is absent today. He has sent his submissions, which is taken on record.

4. The respondent states that complete information alongwith reply have already been sent to the appellant. He further states that he has also brought another copy of information today in the Commission, which is taken on record.

5. After hearing the respondent and going through the case file, it is observed that the information has been sent to the appellant by the respondents. I have gone through the documents on record, it has been observed that the information stands provided to the appellant by the respondent. Moreover, *Copy of the information, as submitted by the respondent be sent to the appellant alongwith these orders.*

6. In view of the foregoing, no cause of action is left. Therefore the appeal case filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

Sd/-

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

Dated : 13.05.2022

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Sh Jaspal Singh, S/o Sh. Ramesh Arora

#319,/3, Gurdeep Nagar, Jagraon,

.....Appellant

..Vs

Public Information Officer,
O/o Chairperson,
Punjab State Human Rights Commission, Chd
Sector 34A, Chandigarh

First Appellate Authority
O/o Chairperson,
Punjab State Human Rights Commission, Chd
Sector 34A, Chandigarh

.....Respondent

AC No. 650 of 2022

Present : (i) Sh. Jaspal Singh the appellant
(ii) For the respondent : Sh. H.S.Bhutani, PIO (9041167429) Smt. Shivani , Sr. Assistant (9256077991)

ORDER

The RTI application is dated 12.11.2020 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 27.01.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 13.05.202 i.e. today.

3. The appellant states that he is not satisfied with the information provided.

4. The respondent states that the complete information has been sent to the appellant. He further states that he has also brought copy of information today in the Commission, the same is handed over to the appellant.

5. The appellant has gone through the same and states that he is satisfied with the information provided.

6. In view of the above , the appeal case filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

Dated : 13.05.2022

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh. Nitin Kumar Tayal (Er)

SCO 1-3 B, Swami Vivekanand Vridhashram Market

B Block, Model Town, Extension, Ludhiana - 141002

.....Appellant

..Vs

Public Information Officer,

O/o DC, Roopnagar

First Appellate Authority ,

O/o DC, Roopnagar

.....Respondent

AC No. 48 of 2022

Present : (i) None is present on behalf of the appellant

(ii) For the respondent : Smt.Santosh Kumari, Suptd Grade I-cum-APIO
(9815686228)

ORDER

This order may be read with reference to the previous orders passed by the Commission.

2. The appellant is absent today. He has informed on phone that he is not well today, hence he has sought some time.

3. The respondent has submitted his reply which is as under:-

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AC No. 48 of 2022

ਲੋਕ ਸੂਚਨਾ ਅਫਸਰ ਦਫਤਰ ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ ਰੁਪਨਗਰ

ਸੇਵਾ ਵਿਖੇ,

ਸਹਾਇਕ ਰਜਿਸਟਰਾਰ ਟੂ ਸਟੇਟ ਇੰਫਰਮੇਸ਼ਨ ਕਮਿਸ਼ਨ,
ਰੈੱਡ ਕਰਾਸ ਬਿਲਡਿੰਗ ਨਜਦੀਕ ਰੋਜ਼ ਗਾਰਡਨ,
ਸੈਕਟਰ -16 ਚੰਡੀਗੜ੍ਹ

ਨੰ: 2022 / ਆਰ.ਟੀ.ਆਈ 412 ਮਿਤੀ 12.5.22 .

ਵਿਸਾ **AC No. 48 of 2022 (sh. Nitin Kumar Tayal vs PIO O/o DC Rupnagar)**

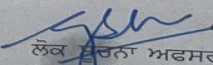
ਹਵਾਲਾ ਆਪ ਜੀ ਦੇ ਦਫਤਰ ਦੇ ਪੱਤਰ ਨੰ: PSIC/Legal/14816 dated 28.04.2022 ਦੇ ਸਬੰਧ ਵਿੱਚ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਸਬੰਧੀ ਬੇਨਤੀ ਹੈ ਕਿ ਅਪੀਲਕਰਤਾ ਸ੍ਰੀ ਨਿਤਿਨ ਕੁਮਾਰ ਤਿਆਲ, ਦ ਗੈਟਸ ਅਰਬਨ ਕੋਅਪਰੇਟਿਵ ਐਂਡ ਕਰੇਡਿਟੀ ਸੁਸਾਇਟੀ ਲਿਮ.ਮਾਡਲ ਟਾਊਨ ਲੁਧਿਆਣਾ ਵਲੋਂ ਦਰਖਾਸਤ ਮਿਤੀ 20.09.21 ਰਾਹੀਂ ਆਰ.ਟੀ.ਆਈ ਐਕਟ ਤਹਿਤ ਸੂਚਨਾ ਦੀ ਮੰਗ ਕੀਤੀ ਗਈ ਸੀ। ਜਿਸ ਸਬੰਧੀ ਦਫਤਰੀ ਰਿਕਾਰਡ ਅਨੁਸਾਰ ਪ੍ਰਾਰਥੀ ਨੂੰ ਪੱਤਰ ਨੰ: 2021/ਆਰ.ਟੀ.ਆਈ 803 ਮਿਤੀ 08.10.21 ਰਾਹੀਂ ਸੂਚਨਾ ਪਹਿਲਾਂ ਹੀ ਭੇਜੀ ਜਾ ਚੁੱਕੀ ਹੈ (ਕਾਪੀ ਨੱਥੀ)। ਪ੍ਰਾਰਥੀ ਵਲੋਂ ਦੁਬਾਰਾ ਇਸ ਦਫਤਰ ਵਿਖੇ ਈਮੇਲ ਪ੍ਰਾਪਤ ਹੋਈ ਸੀ। ਜਿਸ ਸਬੰਧੀ ਇਸ ਦਫਤਰ ਵਲੋਂ ਪੱਤਰ ਨੰ: 833 ਆਰ.ਟੀ.ਆਈ ਮਿਤੀ 26.10.21 (ਕਾਪੀ ਨੱਥੀ) ਰਾਹੀਂ ਅਫਸਰ ਇੰਚਾਰਜ, ਸਿਕਾਇਤ ਸੈਲ ਨੂੰ ਪ੍ਰਾਰਥੀ ਦੀ ਦਰਖਾਸਤ ਸੂਚਨਾ ਲੈਣ ਲਈ ਭੇਜੀ ਗਈ ਸੀ ਅਤੇ ਅਫਸਰ ਇੰਚਾਰਜ ਸਿਕਾਇਤ ਸੈਲ ਵਲੋਂ ਪੱਤਰ ਨੰ: ਸਪੈਸ਼ਲ 7/ਸੀ.ਈ.ਏ ਮਿਤੀ 11.11.21 ਰਾਹੀਂ ਪ੍ਰਾਪਤ ਹੋਈ ਸੂਚਨਾ ਵੀ ਅਪੀਲਕਰਤਾ ਨੂੰ ਇਸ ਦਫਤਰ ਦੇ ਪੱਤਰ ਨੰ: 2021/ਆਰ.ਟੀ.ਆਈ 848 ਮਿਤੀ 22.11.21 ਰਾਹੀਂ ਭੇਜੀ ਜਾ ਚੁੱਕੀ ਹੈ। (ਕਾਪੀ ਨੱਥੀ)।

ਇਸ ਤੋਂ ਇਲਾਵਾ ਆਪ ਜੀ ਨੂੰ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਪ੍ਰਾਰਥੀ ਵਲੋਂ ਆਪਣੀ ਪ੍ਰਤੀਬੇਨਤੀ ਰਾਹੀਂ ਇਹ ਮੰਗ ਕੀਤੀ ਗਈ ਹੈ " Please provide Registered affidavit certifying the logic Relevance and Basis " ਦੇ ਅਨੁਸਾਰ ਸੂਚਨਾ ਦੇਣ ਦਾ ਲੋਜ਼ਿਕ ਦੱਸਿਆ ਜਾਵੇ। ਨਿਮਰਤਾ ਸਹਿਤ ਬੇਨਤੀ ਹੈ ਕਿ ਆਰ.ਟੀ.ਆਈ ਐਕਟ 2005 ਵਿੱਚ ਸੂਚਨਾ ਜਿਸ ਰੂਪ ਵਿੱਚ ਮੌਜੂਦ ਹੈ, ਉਸ ਰੂਪ ਵਿੱਚ ਦੇਣ ਦਾ ਉਪਬੰਧ ਹੈ। ਪ੍ਰੰਤੂ ਪ੍ਰਾਰਥੀ ਵਲੋਂ ਪ੍ਰਸ਼ਨਾਤਮਕ ਢੰਗ ਨਾਲ ਸੂਚਨਾ ਕਿਹੜੇ ਲੋਜ਼ਿਕ ਨਾਲ ਦਿੱਤੀ ਗਈ ਹੈ, ਉਸ ਬਾਰੇ ਪੁਛਿਆ ਜਾ ਰਿਹਾ ਹੈ। ਅਜਿਹੀ ਮੰਗ ਆਰ.ਟੀ.ਆਈ ਐਕਟ ਅਧੀਨ ਕਵਰ ਨਹੀਂ ਹੁੰਦੀ ਹੈ ਜੀ। ਲਿਹਾਜ਼ਾ ਉਕਤ ਨੂੰ ਮੁੱਖ ਰੱਖਦੇ ਹੋਏ ਅਪੀਲ ਕੇਸ ਖਾਰਿਜ ਕਰਨ ਦੀ ਕ੍ਰਿਪਾਲਤਾ ਕੀਤੀ ਜਾਵੇ ਜੀ।

ਬੇਨਤੀ ਹੈ ਕਿ ਨਿਮਨਹਸਤਾਖਰ ਪਾਸ ਜਿਲਾ ਮਾਲ ਅਫਸਰ ਦੇ ਨਾਲ -ਨਾਲ ਸਹਾਇਕ ਕਮਿਸ਼ਨਰ (ਜਨਰਲ) ਅਤੇ ਸਹਾਇਕ ਕਮਿਸ਼ਨਰ (ਸਿਕਾਇਤਾਂ) ਦੇ ਕੰਮ ਦਾ ਵਾਧੂ ਚਾਰਜ ਹੋਣ ਕਾਰਣ ਕੰਮ ਦੀ ਬਹੁਤਾਤ ਅਤੇ ਪਬਲਿਕ ਡੀਲਿੰਗ ਕਾਰਨ ਨਿਮਨਹਸਤਾਖਰ ਨੂੰ ਨਿੱਜੀ ਪੱਧਰ ਤੇ ਹਾਜਰ ਹੋਣ ਤੋਂ Exempt ਕਰਨ ਦੀ ਕ੍ਰਿਪਾਲਤਾ ਕੀਤੀ ਜਾਵੇ ਜੀ।

ਰਿਪੋਰਟ ਆਪ ਦੀ ਸੂਚਨਾ ਹਿੱਤ ਪੇਸ਼ ਹੈ ਜੀ।


ਲੋਕ ਸੂਚਨਾ ਅਫਸਰ
ਦਫਤਰ ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ
ਰੁਪਨਗਰ

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AC No. 48 of 2022

4. In view of the above reply filed by the respondent appears to be convincing, hence no further cause of action is left, therefore the appeal case filed by the appellant is disposed of and closed. *Moreover, copy of the reply as submitted by the respondent be sent to the appellant alongwith these orders.* Copy of the order be sent to the parties.

Dated : 13.05.2022

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh. Ravi Sharma, Advocate
C-128, 2nd Floor, Lajpat Nagar-1,
New Delhi -110024

.....Appellant

..Vs

Public Information Officer,
O/o EO, MC, Zirakpur,
Distt. Mohali
First Appellate Authority ,
O/o Regional Deputy Director,
Local Government, Patiala

.....Respondent

AC No. 3735 of 2021

Present : (i) None is present on behalf of the appellant
(ii) For the respondent: Sh. Kulwant Singh, JE (9646302036) Sh. Gulshan Mehta ,
Advocate (9876468637)

ORDER

This order may be read with reference to the previous orders passed by the Commission.

2. The appellant is absent today.
3. The respondent states that the appellant has not pointed out any deficiencies so far.
4. The perusal of the file shows that during the hearings dated 02.03.2022 and 25.04.2022 , the appellant was asked to point out deficiencies. But till today the appellant has not pointed out any deficiencies. The respondent states that the information, as exists, in the record has been provided to the appellant. Since, the appellant has failed to point out the deficiencies so far. It appears that appellant is not interested in pursuing this matter. Hence, I am of the opinion that no useful purpose would be served in keeping this appeal case pending for an indefinite period. Accordingly, the appeal case filed by the appellant is **disposed of and closed**. Copies of the order be sent to the parties.

Sd/-

Dated : 13.05.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Helpline No. 0172-2864100



Sh. Gurmej Lal, Whistle Blower
NCAg, Street No. 5, # 1331-5, Vishawkarma Bhawan
Down Canal Road, Simlapuri, Ludhiana – 141003 (9781672776)

.....Appellant

Vs

Public Information Officer,
O/o EO, Nagar Council, Zirakpur

First Appellate Authority,
O/o EO, Nagar Council, Zirakpur

.....Respondent

AC.No. 462 of 2022

Present : (i) None is present on behalf of the appellant
(ii) For the respondent: Sh. Kulwant Singh, JE –cum-APIO (9646302036) Sh. Gulshan Mehta, Advocate (9876468637)

ORDER

This order may be read with reference to the previous orders passed by the Commission. During the last hearing dated 11.03.2022, the appellant was absent and the respondent stated that the information demanded by the appellant is very voluminous.

2. The appellant is again absent today.

3. Today the respondent states he has sent his reply that the information demanded by the appellant is very voluminous and not specific.

4. After hearing the respondent and going through the case file, it is observed that during the last hearing, the appellant was absent and an inspection rights was given to him. But today the respondent states that the appellant had not inspected the record. The appellant is even not present today. He has not informed the Commission about his absence for today's hearing. It appears that appellant is not interested in pursuing this matter. Hence, I am of the opinion that no useful purpose would be served in keeping this appeal

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864115, Email: - psic25@punjabmail.gov.in
Visit us: - www.infocommpunjab.com
Helpline No. 0172-2864100



AC.No. 462 of 2022

case pending for an indefinite period. Therefore the appeal case filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

Dated : 13.05.2022

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Helpline No. 0172-2864100



Sh.Ravinder Pal singh Chadha,
 # 30, Banda Bahadur Nagar,
 Jalandhar (9814228629)

.....Appellant

..Vs

Public Information Officer,
 O/o MC, Jalandhar
First Appellate Authority
 o/o Commissioner, MC, Jalandhar

.....Respondent

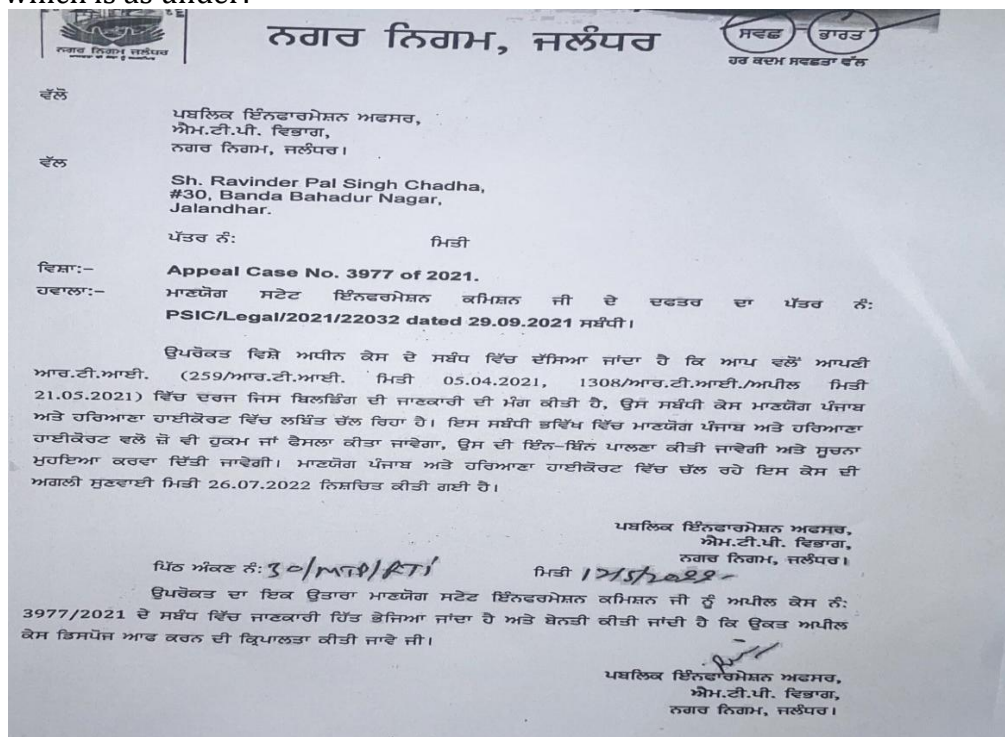
AC No. 3977 of 2021

Present : None for the parties.

ORDER

This order may be read with reference to the previous orders passed by the Commission.

2. Today neither the appellant nor the respondent is present. The appellant has sent his submissions via mail which is taken on record. The respondent has also sent an email which is as under:-



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AC No. 3977 of 2021

3. In view of the above reply filed by the respondent appears to be convincing, hence the above said appeal case is **disposed of and closed** with these directions that the whenever the case is finalized , the information shall be provided to the appellant. Copy of the order be sent to the parties.

Dated : 13.05.2022

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab