

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
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Sh. Jasbir Singh
S/o Sh. Gurbax Singh,
R/o Vill. Bholapur, PO- Ramgarh,
District- Ludhiana.

.....Appellant

Vs

Public Information Officer,
O/o Deputy Commissioner,
District Administrative Complex,
Ludhiana.

First Appellate Authority,
O/o Deputy Commissioner,
District Administrative Complex,
Ludhiana.

.....Respondent

Appeal Case No. 3520 of 2019
(Through Video Conference Facility)

Present:- None on behalf of the appellant.

Shri Kuldeep Kumar, Senior Assistant, on behalf of the respondents.

ORDER

The RTI application is dated 29.09.2019 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 05.08.2019 and second appeal was filed in the Commission on 24.09.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant is absent without intimation.

3. The representative of the respondents states that they have provided information to the appellant with a copy to the Commission vide their letter dated 15.10.2019 concerning action taken report on his complaint with noting. He further states that complete information has been provided and nothing has been left, which could be supplied to him.

Contd.....p/2

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4. After hearing the representative of the respondents and going through the reply sent by the respondents, it is ascertained that complete information has been provided to the appellant and nothing has been left, which could be supplied to the appellant. Accordingly, the present case is disposed of and closed. Copies of the order be sent to the parties.

Dated: 22.10.2019.

Sd/-
(Suresh Arora),
Chief Information Commissioner,
Punjab.

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Smt. Daljit Kaur,
R/o Dashmesh Nagar, Ward No.11,
Dhulkot Road, Ahmedgarh,
Tehsil- Malerkotla,
District- Sangrur.

.....Complainant

Vs

Public Information Officer,
O/o Tehsildar,
Tehsil- Raikot, District- Ludhiana.

.....Respondent

Complaint Case .No. 839 of 2019

Present:- Shri Sukhdeep Singh Butter on behalf of the complainant

None on behalf of the respondents.

ORDER

The RTI application is dated 05.07.2019 vide which the appellant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 20.09.2019 under Section 18 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The representative of the complainant states that till date no information has been provided to the complainant.

3. None is appeared on behalf of the respondent-PIO without intimation.

4. Keeping in view the bye-elections in Ludhiana, one chance is given to the respondent-PIO to appear on the next date of hearing and intimate the complainant after taking appropriate action on the application of the complainant for seeking information before the next date of hearing, which is fixed for 11.11.2019.

5. To come up on 11.11.2019 at 3.30 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhaina.

Dated: 22.10.2019.

Sd/-
(Suresh Arora),
Chief Information Commissioner,
Punjab.

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Sh. Swaran Singh
S/o Sh. Mohinder Singh,
R/o Vill. Jainpur,
Tehsil & District- Ludhiana.

.....Complainant

Vs

Public Information Officer,
O/o Panchayat Secretary, Jainpur,
C/o Block Development & Panchayat Officer,
Block- Ludhiana-I,
District- Ludhiana.

.....Respondent

Complaint Case No. 841 of 2019

Present:- None on behalf of the parties.

ORDER

The RTI application is dated 13.12.2019 vide which the appellant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 24.09.2019 under Section 18 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The complainant is absent without intimation.
3. None is appeared on behalf of the respondent-PIO without intimation.
4. Keeping in view bye-elections in Ludhiana, one chance is given to respondent-PIO to appear on the next date of hearing and intimate the complainant after taking appropriate action on his application before the next date of hearing, which is fixed for 11.11.2019.
5. To come up on 11.11.2019 at 3.30 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhaina.

Dated: 22.10.2019.

Sd/-
(Suresh Arora),
Chief Information Commissioner,
Punjab.

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Smt Daljit Kaur
R/o Dhulkot Road,
Dashmesh nagar,
Ahmedgarh,
District Sangrur

.....Complainant

Vs

Public Information Officer,
o/o Sub Divisional Magistrate,
Raikot, District Ludhiana

.....Respondent.

Complaint Case No.559 of 2019

Present:- Shri Sukhdeep Singh Butter on behalf of the complainant.

None on behalf of the respondent-PIO.

ORDER

This order may be read with reference to the previous order dated 24.09.2019 vide which the respondent-PIO was issued show cause notice for imposition of penalty for non appearance and non-supply of information and the case was adjourned to 16.10.2019, which could not be heard on that date due to technical problem in the Video Conference Facility.

2. Shri Bhupinder Singh, Assistant Collector, Raikot-cum-PIO was absent on the previous dates of hearings i.e. on 22.08.2019, 24.09.2019 and today without intimation. Video Conference Facility was introduced for convenience of general public and for government officials. Viewing the absence of the respondent-PIO seriously, he is, thus, issued a show cause notice to explain in a self-attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to a maximum of Rs.25000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay/denial of the information to the RTI applicant.

Contd.....p/2

-2-

3. In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.

4. To come up on **11.11.2019 at 3.30 P.M. at 3.30 P.M.** through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana.

Dated: 22.10.2019.

Sd/-
(Suresh Arora),
Chief Information Commissioner,
Punjab.

CC

1. Shri Bhupinder Singh,
Assistant Collector, Raikot, District Ludhiana.
2. The Sub Divisional Magistrate,
Raikot, District Ludhiana.
3. The Deputy Commissioner, Ludhiana (by name) for information and to ensure the presence of PIO or his representative during the Video Conference proceedings in future.

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Shri Surjit Singh, Whistle Blower
H.No. 2990/76
Street No. 4, Guru gobind Singh Nagar,
Near Mair Di Chakki,
PO Daba, Ludhiana 141003

.....Appellant

Vs

Public Information Officer,
o/o Deputy Commissioner,
Ferozpur Road,
Ludhiana

First Appellate Authority
o/o Deputy Commissioner,
Ferozpur Road,
Ludhiana

.....Respondents.

Appeal Case No.2217 of 2019

(Heard through Video Conference Facility)

Present:- None on behalf of the appellant.

Miss Balbir Kaur, Junior Assistant o/o Tehsildar (Central), Ludhiana on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 23.09.2019 vide which the appellant was directed to send point-wise reply to the appellant with a copy to the Commission as the information sought by him was not in question form.

2. The appellant is absent without intimation.

3. The representative of the respondents states that in compliance to the previous order, complete information has been supplied to the appellant to his satisfaction after taking his receipt.

4. In view of the statement of the representative of the respondents that complete information has been supplied to the appellant to his satisfaction and he does not want to pursue the matter any further. The present case is disposed of and closed.

Dated: 22.10.2019.

Sd/-
(Suresh Arora),
Chief Information Commissioner,
Punjab.

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Sh Jagdeep Singh,
S/o Sh. Pritam Singh,
Village-Hera, Tehsil-Raikot,
Distt.- Ludhiana.

.....Appellant

Vs

Public Information Officer,
O/o Panchayat Secretary, Gram Panchayat,
Village-Hera, Tehsil-Raikot,
Distt.- Ludhiana.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Mini Secretariat, District- Ludhiana.Respondents

Appeal Case No. 3235 of 2019

Present:- Shri Jagdeep Singh, appellant.
None on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 07.10.2019 vide which the respondent-PIO was directed to show cause why penalty should not be imposed on him for not supplying the information within the stipulated period and further disobeying the order of his seniors. He was further directed to file his written explanation before the next date of hearing when he might avail the opportunity of personal hearing.

2. The perusal of the file and the conduct of the respondent-PIO compelled the Commission to issue him a formal show cause notice as to why action under Section 20(1) of the RTI Act 2005 should not be taken against him and he was also provided an opportunity to file his written reply and also make use of this opportunity of personal hearing under the principles of natural justice.

3. Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, Shri Gurdeep Singh, PIO-cum-Panchayat Secretary is hereby held responsible for not providing the information on time as prescribed under Section 7, which is within 30 days of the receipt of the request, and for repeated and willful defiance of the Commission's order.

Contd.....p/2

4. It has been further established from his conduct that he has failed to provide the information even after getting the formal show cause notice from the Commission. This speaks volumes as to how much respect & regard he has in his mind for the provisions of the RTI Act, which mandates that all public authorities will ensure that the RTI Act, 2005 is duly implemented by them. In view of the facts mentioned herein, I am of the considered view that Shri Gurdeep Singh, PIO should be penalised for his negligence in discharge of his statutory duty prescribed under the RTI Act. His past and present conduct makes the Commission believe that his sheer neglect to perform his duties will improve only after he is duly taken to task.

5. After giving thoughtful consideration and due perusal of the facts of the case and the material available on record, I have come to the conclusion that Shri Gurdeep Singh has failed to perform his duty as per the mandate of the RTI Act which requires the public servant to ensure due transparency and accountability in its functioning. It has also come out that he has not only failed to perform his duty at his own level but also has shown his casual approach in complying with the explicit order of the Commission. It is pertinent to mention here that his senior officer (District Development and Panchayats Officer, Ludhiana) has called PIO on six different occasions but he failed to appear before him. The District Development and Panchayats Officer, Ludhiana recommended to the Director Development and Panchayats, Punjab, Chandigarh for initiating a disciplinary action against him for not attending any of the date. The respondents are directed to intimate the Commission what action has been taken on the recommendations of the DDPO, Ludhiana, in respect of disciplinary action to be taken against Shri Gurdeep Singh, Panchayat Secretary.

6. Under these circumstances, I am left with no other option but to decide the question of imposition of penalty and quantum thereof upon Shri Gurdeep Singh, Panchayat Secretary-cum-PIO o/o Block Development and Panchayats Officer, as per the provisions of the RTI Act i.e Section 20(1) which provides that any delay on the part of the respondent-PIO beyond 30 days is to be penalized @ 250/- per day and to the maximum of Rs. 25000/-. In this case the intervening period is too large, the respondent-PIO failed to comply with the order of the Commission. Accordingly, a penalty of Rs. 25000/- is imposed on him.

7. The amount of penalty i.e. Rs. 25000/- should be deducted from his salary in six equal monthly installments and be deposited in the Government treasury under head "**0070-Other Administrative Services-60-Other Services-800-Other Receipts-86-Fees under the Right to Information Act**. The District Development and Panchayats Officer, Ludhiana shall ensure that this amount of penalty is deducted from the salary of the above said defaulting official for the month of November, 2019 and deposited in the Treasury under the relevant head and sent compliance report to the Commission before dated 19.05.2020.

8. Further the Commission is of the view that since the appellant has had to suffer undue inconvenience to get the information, it is a fit case for awarding compensation to the appellant under Section 19(8)(b) of the RTI Act. The Public Authority is directed to pay an amount of Rs.5000/- via demand draft drawn through Government Treasury as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting information in time. The Public Authority is directed to duly inform the Commission of the compliance of the order and submit proof of having compensated the appellant.

9.. For supply of information, the case is adjourned to 11.11.2019 at 3.30 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana.

Dated: 22.10.2019.

Sd/-
(Suresh Arora),
Chief Information Commissioner,
Punjab.

CC

1. Shri Gurdeep Singh, Panchayat Secretary, c/o Block Development and Panchayats Officer, Raikot district Ludhaina.
2. The District Development and Panchayats Officer, Ludhaina.
3. The Deputy Commissioner, Ludhiana.
4. The Director Rural Development and Panchayats Punjab, Vikas Bhawan, Mohali.

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Sh. Jodhpal Singh,
S/o Sh. Major Singh,
Village-Hera, Tehsil-Raikot,
Distt.- Ludhiana.

.....Appellant

Vs

Public Information Officer,
O/o Panchayat Secretary, Gram Panchayat,
Village-Hera, Tehsil-Raikot,
Distt.- Ludhiana.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Mini Secretariat, District- Ludhiana.

.....Respondents

Appeal Case No. 3236 of 2019
(Through Video Conference Facility)

Present:- Shri Jodhpal Singh, appellant.

None on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 07.10.2019 vide which the respondent-PIO was directed to show cause why penalty should not be imposed on him for not supplying the information within the stipulated period and further disobeying the order of his seniors. He was further directed to file his written explanation before the next date of hearing when he might avail the opportunity of personal hearing.

2. The perusal of the file and the conduct of the respondent-PIO compelled the Commission to issue him a formal show cause notice as to why action under Section 20(1) of the RTI Act 2005 should not be taken against him and he was also provided an opportunity to file his written reply and also make use of this opportunity of personal hearing under the principles of natural justice.

3. Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, Shri Gurdeep Singh, PIO-cum-Panchayat Secretary is hereby held responsible for not providing the information on time as prescribed under Section 7, which is within 30 days of the receipt of the request, and for repeated and willful defiance of the Commission's order.

Contd.....p/2

4. It has been further established from his conduct that he has failed to provide the information even after getting the formal show cause notice from the Commission. This speaks volumes as to how much respect & regard he has in his mind for the provisions of the RTI Act, which mandates that all public authorities will ensure that the RTI Act, 2005 is duly implemented by them. In view of the facts mentioned herein, I am of the considered view that Shri Gurdeep Singh, PIO should be penalised for his negligence in discharge of his statutory duty prescribed under the RTI Act. His past and present conduct makes the Commission believe that his sheer neglect to perform his duties will improve only after he is duly taken to task.

5. After giving thoughtful consideration and due perusal of the facts of the case and the material available on record, I have come to the conclusion that Shri Gurdeep Singh has failed to perform his duty as per the mandate of the RTI Act which requires the public servant to ensure due transparency and accountability in its functioning. It has also come out that he has not only failed to perform his duty at his own level but also has shown his casual approach in complying with the explicit order of the Commission. It is pertinent to mention here that his senior officer (District Development and Panchayats Officer, Ludhiana) has called PIO on two different occasions but he failed to appear before him. The District Development and Panchayats Officer, Ludhiana recommended to the Director Development and Panchayats, Punjab, Chandigarh for initiating a disciplinary action against him for not attending any of the date. The respondents are directed to intimate the Commission what action has been taken on the recommendations of the DDPO, Ludhiana, in respect of disciplinary action to be taken against Shri Gurdeep Singh, Panchayat Secretary.

6. Under these circumstances, I am left with no other option but to decide the question of imposition of penalty and quantum thereof upon Shri Gurdeep Singh, Panchayat Secretary-cum-PIO o/o Block Development and Panchayats Officer, as per the provisions of the RTI Act i.e Section 20(1) which provides that any delay on the part of the respondent-PIO beyond 30 days is to be penalized @ 250/- per day and to the maximum of Rs. 25000/-. In this case the intervening period is too large, the respondent-PIO failed to comply with the order of the Commission. Accordingly, a penalty of Rs. 25000/- is imposed on him.

Contd.....p/3

7. The amount of penalty i.e. Rs. 25000/- should be deducted from his salary in six equal monthly installments and be deposited in the Government treasury under head "**0070-Other Administrative Services-60-Other Services-800-Other Receipts-86-Fees under the Right to Information Act**". The District Development and Panchayats Officer, Ludhiana shall ensure that this amount of penalty is deducted from the salary of the above said defaulting official for the month of November, 2019 and deposited in the Treasury under the relevant head and sent compliance report to the Commission before dated 19.05.2020.

8. Further the Commission is of the view that since the appellant has had to suffer undue inconvenience to get the information, it is a fit case for awarding compensation to the appellant under Section 19(8)(b) of the RTI Act. The Public Authority is directed to pay an amount of Rs.5000/- via demand draft drawn through Government Treasury as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting information in time. The Public Authority is directed to duly inform the Commission of the compliance of the order and submit proof of having compensated the appellant.

9.. For supply of information, the case is adjourned to 11.11.2019 at 3.30 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana.

Dated: 22.10.2019.

Sd/-
(Suresh Arora),
Chief Information Commissioner,
Punjab.

CC

1. Shri Gurdeep Singh, Panchayat Secretary, c/o Block Development and Panchayats Officer, Raikot district Ludhaina.
2. The District Development and Panchayats Officer, Ludhaina.
3. The Deputy Commissioner, Ludhiana.
4. The Director Rural Development and Panchayats Punjab, Vikas Bhawan, Mohali.

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Sh. Tejinder Singh (Advocate),
Village Bholapur, PO Ramgharh,
Ludhiana.

Public Information Officer,
o/o Deputy Commissioner, Ludhiana.

First Appellate Authority,
o/o Deputy Commissioner,
Ludhiana.

.....Respondents.

Appeal Case No.2864/2019

Present:- None on behalf of the parties.

ORDER

This order may be read with reference to the previous order dated 7.10.2019 vide which the respondents were directed to supply the instruction sought by the appellant within week's time.

2. The appellant was absent on the previous dates of hearings on 13.09.2019, 07.10.2019 and he is again absent today without intimation.
3. None is present on behalf of the respondents without intimation.
4. Keeping in view the bye-elections in Ludhiana, last opportunity is given to the PIO to appear before the Commission and provide instructions sought by the appellant.
5. To come up on 04.11.2019 at 3.30 P.M. to be heard through Video Conference Facility available in the o/o Deputy Commissioner, Ludhiana.

Dated: 22.10.2019.

Sd/-
(Suresh Arora),
Chief Information Commissioner,
Punjab.

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Sh. Shiv Sunder Aggarwal,
2015/2 A, Shiv Mandir Street,
Shiv Puri Road, Ludhiana.

.....Appellant

Vs

Public Information Officer,
Sub Registrar (West), Ludhiana.

First Appellate Authority
Deputy Commissioner, Ludhiana.

.....Respondents

Appeal Case No. 2618 of 2019

Present:- None on behalf of the parties.

ORDER

This order may be read with reference to the previous order dated 07.10.2019 vide which Shri Kanwar Narinder Singh, Sub Registrar (West), Ludhiana was issued show cause notice for his absence and not supplying the action taken report. He was further directed to file written explanation before the next date of hearing when he may also avail the opportunity of personal hearing.

2. The appellant is absent without intimation.
3. None was present on behalf of the respondents on the previous date of hearing i.e. 07.10.2019 and he is again absent today without intimation.
4. Notice for imposing penalty was given to Shri Kanwar Narinder Singh, Sub Registrar (West), Ludhiana for not supplying the information and for his absence. Keeping in view bye-elections in Ludhiana, last opportunity is given to him to appear before the Commission and action taken report on his observations dated 24.09.2019 failing which penalty under Section 20 of the RTI Act, 2005 will be imposed on him. It

Contd.....p/2

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is made clear that no further chance will be given to the PIO. The written explanation of the PIO may be filed before the next date of hearing when he may also avail the opportunity of personal hearing.

5. To come up on 04.11.2019 at 3.30 P.M. to be heard through Video Conference Facility available in the o/o Deputy Commissioner, Ludhiana.

Dated: 22.10.2019.

Sd/-
(Suresh Arora),
Chief Information Commissioner,
Punjab.

CC

Shri Kanwar Narinder Singh, Sub Registrar (West), Ludhiana.

The Deputy Commissioner, Ludhiana (by name) for information and to ensure the presence of PIO or his representative during the Video Conference proceedings in future.

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Sh. Gurdeep Singh Dhingi,
S/o Sh. Harnam Singh,
#390, Block-1,
Dharpura Mohalla, Dhuri,
Distt: Sangrur.

.....Appellant

Vs

Public Information Officer,
Divisional Forest Officer,
District: Mansa.

First Appellate Authority,
Conservator of Forests, South Circle,
District: Patiala.

.....Respondent

Appeal Case No. 2874 of 2019

Present:- None on behalf of the appellant.

Ms. Arshdeep Kaur, Forest Guard on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 4.10.2019 vide which one more last opportunity was afforded to the appellant to deposit necessary fee and get the information otherwise the case will be decided on merits.

2. The appellant was absent on 09.09.2019, 04.10.2019 and today without intimation.

3. The representative of the respondents states that appellant has not deposited the requisite fee in compliance to their letter dated 03.09.2019 under the provisions of RTI Act, 2005. Hence, the PIO has not supplied the information to the appellant. They are willing to supply the requisite information, if the appellant deposits the fee.

4. After hearing the representative of the respondents and going through the record available on the case file, it is revealed that the respondent-PIO has written to

Contd.....p/2

The appellant for deposit of Rs.12125/ vide their letter dated 03.09.2019. From the perusal of the file, it appears that no communication from the appellant has been received after filing the 2nd Appeal in the Commission. The appellant has failed to deposit the fee and the respondent-PIO has not supplied the information. From non-communication with the Commission, absence from appearance and non-deposit of requisite fee, it is presumed that the appellant is not interested to get the information. Hence, the present case is disposed of and closed. Copies of the order be sent to the parties.

Dated: 22.10.2019.

Sd/-
(Suresh Arora),
Chief Information Commissioner,
Punjab.

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Sh. Tarlochan Singh Sethi,
Advocate,
Dr. Nand Lal Street, Railway Road,
Doraha, District Ludhiana.

.....Appellant

Vs

Public Information Officer,
o/o A.O., Municipal Council,
Doraha, District Ludhiana.

First Appellate Authority,
o/o Executive Officer,
Municipal Council, Doraha, District Ludhiana.Respondent

Appeal Case No. 2894 of 2019

(Through Video Conference Facility)

Present:- Shri Tarlochan Singh Sethi, advocate, appellant.
Shri Rajwinder Singh, Junior Engineer, on behalf of the respondents.

ORDER

In compliance to the previous order dated 07.10.2019, the appellant visited the office of the respondents to inspect the concerned record on 10.10.2019. He has located the specific documents, whose photocopies he wants to get.

2. The appellant sent a letter dated 16.10.2019 stating that he has found that requisite record and after its perusal, it is found that site plan has not been approved by the Municipal Corporation, Ludhiana and is pending till now.

3. After hearing both the parties and going through the record available on

Contd.....p/2

-2-

the case file, it is revealed that the information sought by the appellant relates to third party. The respondents are directed to seek objections of third party (whose information is being sought) under Section 11 read with Section 8(1)(j) of the RTI Act, 2005. On receipt of the objections from third party, the PIO is directed to pass speaking order whether the sought for information can be supplied or not before the next date of hearing, which is fixed for 11.11.2019

4. To come up on 11.11.2019 at 3.30 P.M. through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana.

Dated: 22.10.2019.

Sd/-
(Suresh Arora),
Chief Information Commissioner,
Punjab.