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(BHADRA 2, 1943 SAKA)

LEGISLATIVE SUPPLEMENT

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PART III
GOVERNMENT OF PUNJAB

DEPARTMENT OF FOOD, CIVIL SUPPLIES AND CONSUMER
AFFAIRS

(CONSUMER PROTECTION ACT BRANCH)

NOTIFICATION

The 24th August, 2021

No. G.S.R. 118/C.A.35/2019/S.102/2021.-In exercise of the powers conferred by section 102 of the Consumer Protection Act, 2019 (Central Act No. 35 of 2019), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules, namely: -

RULES

1. Short title and commencement.— (1) These rules may be called the Punjab State Consumer Protection Council Rules, 2021.

(2) They shall come into force on and with effect from the date of their publication in the official Gazette.

2. Definitions.— (1) In these rules, unless the context otherwise requires,—

- (a) “Act” means the Consumer Protection Act, 2019 (Central Act No. 35 of 2019);
- (b) “Chairperson” means the Chairperson of the State Council or District Council;
- (c) “District Council” means the District Consumer Protection Council established under sub-section (1) of section 8 of the Act;
- (d) “State” means the State of Punjab;
- (e) “State Council” means the Punjab State Consumer Protection Council established under sub-section (1) of section 6 of the Act; and
- (f) “State Government” means the Government of the State of Punjab in the Department of Food, Civil Supplies and Consumer Affairs.

(2) The words and expressions used herein, but not defined, shall have the same meaning as respectively assigned to them in the Act.

Section 3. **Composition of State Council.**— The State Council shall consist of 6(2)(b). the following members, namely:

- (i) the Minister-in-Charge of Food, Civil Supplies and Consumer Affairs, who shall be its Chairman;
- (ii) two Members of Parliament from the State of Punjab as may be decided by the Hon'ble Chief Minister (whether from Lok Sabha or Rajya Sabha);
- (iii) President of the Punjab State Consumer Disputes Redressal Commission;
- (iv) three Members of Legislative Assembly of the State of Punjab;
- (v) Legal Remembrancer and Secretary to Government of Punjab;
- (vi) Secretary-in-charge of the Department of Food, Civil Supplies and Consumer Affairs, Punjab, who shall be the Member-Secretary;
- (vii) representatives of consumer organizations, not exceeding two to be nominated by the State Government; and
- (viii) one non-official Member who shall be an industrialist or economist.

Section 4. **Procedure for the meetings of the State Council.**— (1) Every meeting of the State Council shall be convened by the Member-Secretary in accordance with the directions of the Chairperson.

(2) The meeting of the State Council shall be presided over by the Chairperson. In the absence of the Chairperson, the members present shall elect a person from amongst themselves to preside over the meeting.

(3) The quorum for a meeting of the State Council shall be one third of the total number of its members.

(4) Every meeting of the State Council shall be convened only after giving a notice in writing to each Member atleast seven days prior to the said meeting:

Provided that a meeting of the State Council may be convened with less than seven days' notice if the circumstances so warrant.

(5) Every notice of the meeting of the State Council shall specify the place, date and hour of the meeting and shall contain a statement of the business to be transacted thereof.

(6) For the purpose of performing its functions under the Act, the State Council may constitute, from amongst its members, such working groups as it may deem necessary under the Chairmanship of the Member-Secretary of the Council and each such working group so constituted shall perform such functions as are assigned to it by the State Council. Such working groups shall consist of not exceeding five members and shall meet as and when necessary. The report of such working groups shall be placed before the State Council for its consideration.

(7) The resolutions passed by the State Council shall be advisory in nature.

(8) No act or proceedings of the State Council shall be invalid merely by reason of existence of any vacancy in or any defect in the constitution of the said Council.

(9) The members shall be eligible for travelling allowance and daily allowance for attending the meetings of the State Council or its working groups at the rate admissible to Group-A Officers of the Government of Punjab.

(10) Every claim under sub-rule (9) shall be payable, if not claimed anywhere else, by the member from any other Government Department, Ministry or Organization or establishment for his visit to attend the meeting of the State Council or any of its working group. For the purpose of calculating travelling allowance, the address of the members as shown in the notification constituting the Council shall be followed.

5. Composition of the District Consumer Protection Council.— The Section District Consumer Protection Council shall consist of the following members, namely:- 8(2)(b).

- (i) Collector of the District who shall be its Chairperson/Chairman;
- (ii) District Food Supply Controller of the District – Convenor-cum-member;
- (iii) two representatives from the Non-Governmental/Consumer Organisations; and
- (iv) three non-official members to be nominated by the Chairperson of such Council.

6. Procedure for the meetings of the District Council.— (1) Every Section meeting of the District Council shall be convened by the Convener-cum- 8(4). member in accordance with the directions of the Chairperson.

(2) The meeting of the District Council shall be presided over by the Chairperson. In the absence of the Chairperson, the members present shall elect a person from amongst themselves to preside over the meeting.

(3) The quorum for the meeting of the District Council shall be one third of its total members.

(4) Every meeting of the State Council shall be convened only after giving a notice in writing to each Member atleast seven days prior to the said meeting:

Provided that a meeting of the District Council may be convened with less than seven days' notice if the circumstances so warrant.

(5) Every notice of the meeting of the District Council shall specify the place, date and hour of the meeting and shall contain a statement of the business to be transacted thereof.

(6) For the purpose of performing its functions under the Act, the District Council may constitute, from amongst its members, such working groups as it may deem necessary under the Chairmanship of the Convener-cum-Member of the District Council and each such working group so constituted shall perform such functions as are assigned to it by the District Council. Such working groups shall consist of not exceeding five members and shall meet as and when necessary. The reports of such working groups shall be placed before the District Council for its consideration.

(7) The resolutions passed by the District Council shall be advisory in nature.

(8) No act or proceedings of the District Council shall be invalid merely by reasons of existence of any vacancy in or any defect in the constitution of the said Council.

(9) The non-official members shall be eligible for travelling allowance and daily allowance for attending the meetings of the District Council or its working groups at the rate admissible to Group-A Officers of the Government of Punjab.

(10) Every claim under sub-rule (9) shall be payable, if not claimed anywhere else, by the member from any other Government Department, Ministry or Organization or establishment for his visit to attend the meeting of

the District Council or any of its working group. For the purpose of calculating travelling allowance, the address of the member as shown in the notification constituting the District Council shall be followed.

7. Term of State Council or District Council. — The term of the State Council or District Council shall be three years. Sections 6 and 8.

8. Resignation of members of State Council or District Council.— Any member may, by notice in writing under his hand addressed to the Chairperson of the State Council, resign from the State Council or District Council, as the case may be. Sections 6 and 8.

9. Vacancy caused by resignation.— (1) A vacancy caused by the resignation of a member under rule 8 shall be filled from the same category of members by the State Government. Sections 6 and 8.

(2) The person appointed to fill the vacancy caused by the resignation of a member shall hold office only for the period of time that the original member would have been entitled to hold office, had the vacancy not occurred.

10. Cessation of notifications etc.- All notifications, instructions etc. regulating the constitution of State Council and District Council and the procedures thereof shall cease to be in effect from the date of coming into force of these rules.

RAHUL TEWARI,

Secretary to Government of Punjab,
Department of Food, Civil Supplies and
Consumer Affairs.

PART III
GOVERNMENT OF PUNJAB

DEPARTMENT OF FOOD, CIVIL SUPPLIES AND CONSUMER
AFFAIRS
(CONSUMER PROTECTION ACT BRANCH)

NOTIFICATION

The 24th August, 2021

No. G.S.R. 119/C.A.35/2019/S.102/2021.-In exercise of the powers conferred by section 102 of the Consumer Protection Act, 2019 (Central Act No. 35 of 2019), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules regulating the salary, allowances and conditions of service of the President and Members of the State Commission and District Commission, namely: -

RULES

1. Short title and commencement.- (1) These rules may be called the Punjab Consumer Protection (Salary, allowances and conditions of service of President and Members of the State Commission and District Commission) Rules, 2021.

(2) They shall come into force on and with effect from the date of their publication in the Official Gazette.

2. Definitions.- (1) In these rules, unless the context otherwise requires, —

- (a) “Act” means the Consumer Protection Act, 2019 (Central Act No. 35 of 2019);
- (b) “Form” means the Form appended to these rules;
- (c) “Government employee” shall have the same meaning as assigned to it in the Government Employees (Conduct) Rules, 1966;
- (d) “member” means a member of the District Commission or the State Commission, as the case may be;
- (e) “President” means the President of the District Commission or the State Commission, as the case may be; and
- (f) “State Government” means the Government of the State of Punjab in the Department of Food, Civil Supplies and Consumer Affairs.

(2) The words and expressions used herein but not defined shall have the same meaning as respectively assigned to them in the Act.

Section 28(2) **3. Number of members in District Commission.**— Each District Commission, established by the State Government, shall consist of,-

- (i) a President; and
- (ii) two other members.

Section 42(3) **4. Number of members in the State Commission.**— The State Commission shall consist of,-

- (a) a President;
- (b) one judicial member; and
- (c) three other members.

Section 30 **5. Salaries and allowances payable to the President and members of District Commission.** — (1) The President of the District Commission, in case of a sitting District and Sessions Judge, shall be entitled to draw such pay and allowances as he was drawing in his parent department.

(2) The President of the District Commission, if appointed from retired District and Sessions Judges, shall be entitled to draw salary as last pay drawn minus pension plus other allowances as admissible under these rules.

(3) The President of the District Commission appointed, if other than sitting or retired District Judge, shall be entitled to draw salary equivalent to the minimum of the scale of pay of a District Judge plus other allowances as provided under these rules.

(4) Member of the District Commission shall receive a pay equal to the pay at the minimum of the scale of pay of a Deputy Secretary of the Government of Punjab and other allowances as provided under these rules.

(5) The retired Government employees appointed as member of the District Commission shall be entitled to receive last pay drawn minus pension plus other allowances as admissible under these rules.

(6) The pay of a person appointed as President or member, who is in receipt of any pension, shall be reduced by the gross amount of pension drawn by him.

(7) There shall be an annual upward revision of the pay of the President and member at the rate of three percent.

- 6. Salaries and allowances payable to President and members of the State Commission.**- (1) The President of the State Commission shall receive the salary, allowances and other perquisites as are admissible to a sitting judge of the High Court of the State. Section 44
- (2) The judicial member shall be entitled to draw salary as last pay drawn minus pension plus other allowances as admissible under these rules.
- (3) A member of the State Commission shall receive a pay equivalent to the pay at the minimum of the scale of pay of an Additional Secretary of the Government of Punjab and other allowances as provided under these rules. The retired Government employees appointed as member of the District Commission shall be entitled to receive last pay drawn minus pension plus other allowances as provided under these rules.
- (4) The pay of a person appointed as President or member, who is in receipt of any pension, shall be reduced by the gross amount of pension drawn by him.
- (5) There shall be an annual upward revision of the pay of a member at the rate of three percent.
- 7. Medical fitness.**—No person shall be appointed as President or member unless he is declared medically fit by an authority specified by the State Government in this behalf. Sections 30 and 44
- 8. Casual vacancy.** — In case of a casual vacancy in the office of the President in the State Commission, the State Government shall have the power to appoint the senior most member to officiate as President only with regard to the provisions of the Act on judicial side. Sections 30 and 44
- 9. House rent allowance.** — The members of the State Commission and the President and members of the District Commission shall be entitled to house rent allowance at the same rate as admissible to the Government employees of the State of Punjab in the said city or town where posted. Sections 30 and 44
- 10. Travelling allowance.** — The members of the State Commission and President and members of the District Commission shall be entitled to travelling allowance at the same rate as is admissible to Group 'A' Officers of the Government of Punjab of a corresponding status, while on official tour. Sections 30 and 44

Sections 30 and 44 **11. Dearness allowance.-** The members of the State Commission and President and members of the District Commission shall be entitled to dearness allowance at the same rate as admissible to the Government employees of the State of Punjab.

Sections 30 and 44 **12. Leave and medical allowance. —** (1) The members of the State Commission and President and members of the District Commission shall be entitled to casual leave and earned leave as per Chapter VIII of the Punjab Civil Services Rules Volume I, Part I. However, they shall not be entitled to receive leave encashment at the time of completion of tenure.

(2) The members of the State Commission and Presidents and members of the District Commission shall be, during their term, entitled to medical allowance as admissible to Government employees of the Government of Punjab.

Sections 30 and 44 **13. Declaration of financial and other Interests.—**The President or member shall, before entering upon his office, declare his assets, and his liabilities and financial and other interests.

Sections 30 and 44 **14. Other conditions of service. —** (1) The terms and conditions of service of the President or member with respect to which no express provision has been made in these rules, shall be such as admissible to a Group 'A' Officer of the Government of Punjab of a corresponding status.

(2) The President or member shall not practice before the National Commission, the State Commission or the District Commission after completion of the term in the State Commission or the District Commission, as the case may be.

(3) The President or member shall not undertake any arbitration work while functioning in these capacities in the State Commission or the District Commission, as the case may be.

(4) The President or member of the State Commission or the District Commission, as the case may be, shall not, for a period of two years from the date on which they cease to hold office, accept any employment in, or connected with the management or administration of, any person who has been a party to a proceeding before the State Commission or the District Commission:

Provided that nothing contained in this rule shall apply to any employment under the Central Government or a State Government or a local authority or in any statutory authority or any corporation established by or under any Central, State or Provincial Act or a Government company as defined in clause (45) of section 2 of the Companies Act, 2013 (Central Act No.18 of 2013)

(5) The salary, remuneration and other allowances shall be defrayed out of the Consolidated Fund of the State of Punjab.

(6) The terms and conditions of the service of the President and the members of the District Commission and the State Commission shall not be varied to their disadvantage during their tenure of office.

15. Oath of office and secrecy.— Every person appointed as the President or member shall, before entering upon his office, make and subscribe an oath of office in Form I and oath of secrecy in Form II. Sections
30 and 44

16. Cessation of notifications etc.- All notifications, instructions etc. regulating the salary, allowances and conditions of service of President and Members of the State Commission and District Commission shall cease to be in effect from the date of coming into force of these rules.

17. Repeal and saving.- The Punjab Consumer Protection (appointment, salary, allowances and conditions of service of President and Members of the State Commission and District Forum) Rules, 2018, are hereby repealed:

Provided that any order issued or any action taken under the rules so repealed, shall be deemed to have been issued or taken under the corresponding provisions of these rules.

FORM I

(See rule 15)

Form of Oath of Office for the President and Member of the State Commission and District Commission

I,, having been appointed as the President/ Member in the State Consumer Disputes Redressal Commission,/ District Consumer Disputes Redressal Commission, do solemnly affirm/do swear in the name of God that I will faithfully and conscientiously discharge my duties as the President/Member of the State Commission/District Commission to the best of my ability, knowledge and judgment, without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws of land.

FORM II

(See rule 15)

Form of Oath of Secrecy for the President and Member of the State Commission and District Commission

I,, having been appointed as the President/Member of the State Consumer Disputes Redressal Commission,/ District Consumer Disputes Redressal Commission, do solemnly affirm/do swear in the name of God that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as President/Member of the State Commission/District Commission except as may be required for the due discharge of my duties as the President/Member.

RAHUL TEWARI,

Secretary to Government of Punjab,
Department of Food, Civil Supplies and
Consumer Affairs.

PART III

GOVERNMENT OF PUNJAB

DEPARTMENT OF FOOD, CIVIL SUPPLIES AND CONSUMER
AFFAIRS

(CONSUMER PROTECTION ACT BRANCH)

NOTIFICATION

The 24th August, 2021

No. G.S.R.120/C.A.35/2019/S.102/2021.-In exercise of the powers conferred by section 102 of the Consumer Protection Act, 2019 (Central Act No. 35 of 2019), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules, namely: -

RULES

1. Short title and commencement.— (1) These rules may be called the Punjab Consumer Protection (General) Rules, 2021.

(2) They shall come into force on and with effect from the date of their publication in the Official Gazette.

2. Definitions. - (1) In these rules, unless the context otherwise requires,---

- (a) “Act” means the Consumer Protection Act, 2019 (Central Act No. 35 of 2019);
- (b) “appellant” means a person who makes an appeal against the order of the District Commission;
- (c) “authorised agent” means a person duly authorised by a party to present any complaint, appeal or reply on behalf of such party before the State Commission, or the District Commission, as the case may be;
- (d) “Commission” means the District Commission or the State Commission, as the case may be;
- (e) “Consumer Welfare Fund” means the Consumer Welfare Fund established by the State Government;
- (f) “Form” means the Form appended to these rules;
- (g) “memorandum” means any memorandum of appeal filed by the appellant;

-
- (h) “State Bank of India” means the State Bank of India constituted under section 3 of State Bank of India Act, 1955 (Central Act No. 23 of 1955);
 - (i) “Public Sector Banks” means State Bank of India and Nationalised Bank (Nationalised bank means a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) or a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980);
 - (j) “opposite party” means a person who answers a complaint under the Act;
 - (k) “public utility service” means any,—
 - (i) transport service for the carriage of passengers or goods by air, road or water; or
 - (ii) postal, telegraph, telephone or broadband service; or
 - (iii) supply of power, light or water or fuel or natural gas to the public by any establishment; or
 - (iv) insurance service; and
 - (v) service in, or in connection with, the working of any major port or dock;
 - (l) “President” means the President of the State Commission or the District Commission, as the case may be;
 - (m) “respondent” means the person who answers any memorandum of appeal;
 - (n) “section” means a section of the Act;
 - (o) “State” means the State of Punjab; and
 - (p) “State Government” means the Government of the State of Punjab in the Department of Food, Civil Supplies and Consumer Affairs.
- (2) The words and expressions used herein, but not defined shall have the same meaning as respectively assigned to them in the Act.

Section 2(19). **3. Public utility services to be establishments.** – Public utility services shall be establishments for the purpose of clause (19) of section 2.

- 4. Certain activities to be exempt from unfair trade practice.-** Section 2(47)(iii)(b).
Permitting of the following activities carried out for promoting directly or indirectly the sale, use or supply of any product or any business interest shall be exempt from the purview of unfair trade practices, namely: –
- (a) lotteries allowed under the Lotteries (Regulation) Act, 1998 (Central Act No. 17 of 1998);
 - (b) games of chance or skill not prohibited under the Public Gambling Act, 1867 (Central Act No. 3 of 1867), which are not gambling and wherein success depends on a substantial degree of skill and not chance;
 - (c) Pyramid Scheme defined under the Direct Selling Guidelines of Punjab, 2020; and
 - (d) Money Circulation Scheme defined under the Direct Selling Guidelines of Punjab, 2020.
- 5. Working days and office hours of State Commission and District Commission.—**Section 102(1).
The working days and office hours of the State Commission and District Commission shall be the same as that of the Government of Punjab, from time to time.
- 6. Seal and emblem.—**Section 102(1).
The official seal and emblem of the State Commission and District Commission shall be such as the State Government may specify.
- 7. Sitting of State Commission / District Commission. —**Section 102(1).
The President shall convene sittings of the State Commission or District Commission, as the case may be, as and when it may be necessary.
- 8. Manner of authentication of goods by State Commission / District Commission for analysis and testing.-**Section 38(2)(c).
(1) The State Commission or District Commission, may direct the complainant to provide one or more than one sample of the goods in clean containers with stopper properly fixed on them for the purposes of testing or analysis.
- (2) On receiving the samples of such goods, the State Commission or District Commission, as the case may be, shall seal it and fix labels on the containers carrying the following information, namely: -
- (a) the name and address of the appropriate laboratory or University or department recognised by Centre or State Government to whom sample shall be sent for analysis and test;

- (b) the name and address of the State Commission or District Commission, as the case may be;
 - (c) the case number; and
 - (d) the official seal of the State Commission or District Commission, as the case may be.
- (1) The sealed sample shall be sent to the recognized laboratory by the State Commission or District Commission, as the case may be.
 - (2) The recognized laboratory shall, after receiving sealed sample and examining it, shall forward its report to the State Commission or District Commission, as the case may be, within forty-five days or within such extended time as may be granted by the State Commission or District Commission, specifying the nature of the defect and date of submission of report.

Section 41. **9. Fee for making complaints.**— The fees to be deposited by the complainant under rule 7 of the Consumer Protection (Consumer Disputes Redressal Commission) Rules, 2020, made by the Central Government, shall be deposited by the State Commission or District Commission in the Consumer Welfare Fund, and it shall be utilized by the President of the State Commission after it is duly pre-audited by the State Accounts Service (SAS) Officer concerned. However, prior approval of the State Government shall be required if the amount exceeds rupees five lacs.

Section 41(a). **10. Remittance of the deposited amount alongwith memorandum of appeal before the State Commission.**—Where an appeal is filed under section 41, the amount to be deposited by the appellant as provided in the second proviso to the said section shall be remitted in the form of a crossed Demand Draft drawn on any Public Sector Bank in favour of the Punjab State Consumer Disputes Redressal Commission, payable at Chandigarh, which shall be deposited by the State Commission in the State Bank of India in the deposit account of the State Commission.

Section 70(5). **11. Manner of furnishing information to the State Government.**— The State Commission shall furnish information every month or as and when required by the State Government, in Form-I.

- 12. Mediation rules.-** The State Commission shall adopt the Consumer Protection (Mediation) Rules, 2020 made by the Central Government and the Consumer Protection (Mediation) Regulations, 2020 made by the National Consumer Disputes Redressal Commission, for carrying out the purposes of mediation, provided under the Act. Section 74
- 13. Cessation of notifications etc.-** All notifications, instructions etc. issued with regard to any provision of these rules, if any, shall cease to be in effect from the date of coming into force of these rules.
- 14. Repeal and saving.-** The Consumer Protection (Punjab) Rules, 1987 are hereby repealed:

Provided that any order issued or any action taken under the rules so repealed, shall be deemed to have been issued or taken under the corresponding provisions of these rules.

FORM-I

(See rule 11)

PERIODICAL STATEMENT TO BE SUBMITTED BY THE STATE COMMISSION
TO THE STATE GOVERNMENT

I	State Commission	District Commission
(a) Total case filed since inception		
(b) Cases disposed of		
(c) Cases disposed of within prescribed Time norms		
(d) Number of cases disposed of by Lok Adalat method		
II	State Commission	District Commission
Detailed breakup of cases pending(Give number of cases)		
a) Over three months upto six months		
b) Over six months upto 1 year		
c) Over 1 year upto 2 years		
d) Over 2 years upto 5 years		
e) Over 5 years		
III	State Commission	District Commission
Cases disposed of within time norms (Give number)		
(a) Cases received after March 2016		
(b) Cases disposed of within time norms out of		
(c) Above(Number and percentage)		

PUNJAB GOVT. GAZ. (EXTRA), AUGUST 24, 2021 1919
(BHDR 2, 1943 SAKA)

S. No.	Name of District Commission	Number of cases filed since inception	No. of cases disposed since inception	No. of cases Pending
1	Amritsar			
2	Bathinda			
3	Barnala			
4	Fatehgarh Sahib			
5	Faridkot			
6	Ferozepur			
7	Gurdaspur			
8	Hoshiarpur			
9	Jalandhar			
10	Kapurthala			
11	Ludhiana			
12	Mansa			
13	Moga			
14	Mohali			
15	Muktsar			
16	Nawanshahr			
17	Patiala			
18	Ropar			
19	Sangrur			
20	Tarn Taran			

TOTAL NUMBER OF DISTRICT COMMISSIONS FUNCTIONAL- ____
FILING AND DISPOSAL OF CASES AS ON (MONTH), 20__

RAHUL TEWARI,
Secretary to Government of Punjab,
Department of Food, Civil Supplies and
Consumer Affairs, Punjab.