

# PUNJAB STATE INFORMATION COMMISSION

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Sh. Satnam Singh (M: 94647-94090),  
S/o Joginder Singh,  
R/o Village Mullawal, The.&DisttGurdaspur.

Complainant

V/s.

Public Information Officer,  
O/o DDPO, Gurdaspur.

Sh. Harpreet Singh,  
First Appellate Authority  
o/o Block Development and Panchayats Officer ,  
Kahnuwan, Gurdaspur

Respondent

## Complaint Case No. 172 of 2022

Present:- Sh. Satnam Singh, complainant on telephone.  
None on behalf of the respondents.

### ORDER

This order may be read with reference to the previous order dated 6.9.2022 vide which the case was sent to the Registry Branch for reallocation. Thereafter, the case was reallocated to the bench and fixed for hearing on 1.11.2022. But due to administrative reasons the case was postponed and further fixed for hearing today.

2. The complainant requested that the directions may be issued to the respondent-Public Information Officer to provide the complete information.

3. It is appropriate to mention that Hon'ble Supreme Court of India in its order rendered on 12.12.2011 in Civil Appeal Nos.10787 – 10788 of 2011 (arising out of SLP @ No.32768-32769/2010) has held that while entertaining a complaint under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information. Since the complainant has approached the Commission under the provisions of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

An alternative and efficacious remedy of first appeal is available to the complainant under Section 19(1) of the RTI Act, 2005 which has not been availed in the instant case. Since the complainant is interested in getting the information, therefore, the matter is remanded back to Sh. Harpreet Singh, First Appellate Authority-cum-Block Development and Panchayats Officer to take appropriate decision in accordance with the provisions of the RTI Act within the prescribed timeline, after giving opportunity of hearing to all concerned by passing a speaking order. A copy of this complaint filed by the complainant is also **being sent** to him along with this order with the directions that the same may be treated as first appeal.

4. With these directions the case is disposed of and closed. However, the liberty is granted to the complainant to file the 2<sup>nd</sup> appeal in this case, if he is not satisfied with the decision of the First Appellate Authority or he does not receive the decision regarding the first appeal.

SD

Dated: 2.1.2023

(Suresh Arora)

Chief Information Commissioner, Punjab.