

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.

Ph: 0172-2864110, Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



Shri Jagdish Kumar Gupta, Advocate,
Chamber Number 851, District Courts,
Bathinda.

M: 94657-50041

Complainant

V/s.

Public Information Officer,
O/o XEN, Water Supply and Sanitation,
Division Number 03, Bathinda.

Sh. Amit Kumar,
First Appellate Authority,
Executive Engineer,
Water Supply & Sanitation Divn No.3,
Bathinda.

Respondent

Complaint Case No. 187 of 2022

Present:- Shri Jagdish Kumar Gupta,
Sh. Rajinder Singh, JE 9463272528 on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 13.9.2022. The case was earlier heard by the bench of Sh. Sanjiv Garg, SIC but due to administrative reasons the case was reallocated to this bench and fixed for hearing on 3.11.2022. But the case could not be heard on the said date and further adjourned for today.

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

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.

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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. Amit Kumar, First Appellate Authority-cum-Executive Engineer 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 2nd appeal in this case, if he is not satisfied/does not receive the decision of the First Appellate Authority.

Dated:3.1.2023

(Suresh Arora)
Chief Information Commissioner,
Punjab.