

**PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, NEAR ROSE GARDEN,
SECTOR 16, CHANDIGARH.**

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Shri Charanjit Singh (Er.),
1202, New Light HB Society,
Sector-51B, Chandigarh-160043.

...Appellant

Versus

Public Information Officer
O/o Deputy Chief Engineer,
BBMB Jamalpur Circle,
Ludhiana.

First Appellate Authority-cum-
O/o Chief Engineer, Transmission System,
BBMB, Chandigarh.

....Respondents

AC No. 5453 of 2022

Present: (i) **Shri Charanjit Singh, appellant, in person.**
(ii) **Shri Indejit Singh Bajwa, S.E.-cum-PIO, Shri Pardeep Sangwan, Law Officer and Shri Navdeep Kamboj, Sr.XEN Tech., O/o Chief Engineer, Transmission System, BBMB, Chandigarh- in person.**

ORDER

1. The RTI application is dated 16.07.2022 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 23.07.2022 and the second appeal was filed in the Commission on 10.11.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The notice of hearing was issued to the parties for 23.01.2023. Accordingly, the case has been heard today. Shri Charanjit Singh, appellant comes present to attend the hearing in person before the Bench.

3. Shri Indejit Singh Bajwa, S.E.-cum-PIO, Shri Pardeep Sangwan, Law Officer and Shri Navdeep Kamboj, Sr.XEN Tech., O/o Chief Engineer, Transmission System, BBMB, Chandigarh come present in person before the Bench. Shri Pardeep Sangwan, Law Officer, BBMB, Chandigarh produces before the Bench letter dated 09.01.2023 addressed to the Commission stating therein that Bhakra Beas Management Board (BBMB) was constituted under Section-79(1) & 80(6) of Punjab Re-organisation Act, 1966 and is a Central Government Organization working under the aegis of Ministry of Power, Government of India, New Delhi and Section 79(6) of the 1966 Act has also reproduced therein, which reads as under:-

"The Bhakra Management Board shall be under the control of the Central Government and shall comply with such directions, as may from time to time, be given to it by that Government."

It has been pleaded by the Law Officer that BBMB is not amenable to the jurisdiction of Punjab State Information Commission and falls under the jurisdiction of Central Information Commission and that the appellant should have approached the Central Information Commission. He also states that a case has earlier been disposed off by Hon'ble State Information Commissioner, Shri Satinder Pal Singh vide order dated 18.01.2015 on the point of jurisdiction, accepting the contention of the respondent BBMB. He also refers to another order 29.03.2017 passed by the Central Information Commission, copy also produced before the Bench, wherein the appeal of the present appellant has been decided, being the appeal under the jurisdiction of Central Information Commission.

4. The appellant does not agree with the contention raised by the respondents before the Bench and states that Punjab Government has been funding the BBMB, as such, the Punjab State Information Commission has jurisdiction over the BBMB to hear appeal cases. He also contends that this fact can be ascertained from the respondents by way of an affidavit. Upon this, Shri Inderjit Singh Bajwa, S.E. states that since BBMB is looking after the administration, maintenance and operation of the projects situated in H.P. and Punjab in the interest of the States of Himachal Pradesh, Punjab and Haryana. As such, BBMB ought to be funded by the States concerned, whereas in matter of appeal cases, it comes within the jurisdiction of Central Information Commission.

5. The Bench, on perusal of the contents of RTI application, versions of the respondents and going through the letter of BBMB, observes that there are certain complaints and grievances raised by the appellant regarding the functioning of BBMB, especially the mismanagement of the power equipment/ machinery by the BBMB at Sangrur and in Jamalpur Circle at Ludhiana, non-utilisation of the power equipments to the optimum and misusing the manpower of the BBMB, misutilisation of energy, misutilisation of scarce resource and corrupt practices resulting in losses worth crores of rupees to the Government of Punjab.

6. Leaving aside the issue of jurisdiction to decide the appeal case, the Bench appreciates the appellant for having raised grievances and complaints against the mismanagement and mishandling of power equipment at the BBMB, the Bench observes that it would be appropriate if such issues are raised at higher level of the BBMB with the supporting documents to substantiate his grievances/ complaints and the Central Government to find out solutions and remedial measures in the functioning of the BBMB. The Bench does not construe it to be proper platform to raise such issues with the Punjab State Information Commission. It will also be appropriate that apart from taking up the matter at higher level with BBMB/ Government of India, he should go in for bringing such matters to the notice of Vigilance Authorities with supporting documents so that if any such corrupt practices exist, the same can be probed by the appropriate Government agencies.

7. In view of the aforesaid observations, **the instant appeal case is disposed off and closed.** Copy of the order be sent to the parties.

Chandigarh
23.01.2023

Sd/-
(Lt Gen Ajae Kumar Sharma(Retd))
State Information Commissioner, Punjab