

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



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Shri Jagshir Singh
S/o Shri Piara Singh
R/o Near BDPO Office,
Ajit Nagar, Street No.2
Ward No.17, Patiala Road,
Sunam-148028, Distt.Sangrur.

.....Complainant

Versus

Public Information Officer
O/o Sub Divisional Officer
Urban Sub Division, PSPCL,
Sunam, District Sangrur..

Remanded Back

First Appellate Authority
O/o Chief Engineer,
South Zone, PSPCL,
Patiala.

....Respondents

CC No.621 of 2022

Present: (i) **Shri Jagshir Singh complainant- in person.**
(ii) **Shri Jagtar Singh, SDO and Shri Sahil Bansal, Consumer Clerk,
PSPCL Sub Division, Sunam, on behalf of PIO/Respondent**

ORDER

1. The RTI application is dated 20.07.2022 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 19.09.2022 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 15.11.2022. The case has been heard today. Shri Jagshir Singh, complainant comes present in person before the Bench and states that he has not been supplied information.
3. Shri Jagtar Singh, SDO and Shri Sahil Bansal, Consumer Clerk, Sub Division, Urban, PSPCL, Sunam, District Sangrur come present in person before the Bench. He states that the complainant has sought information regarding electricity meter Account No.3001004550, old S52PR140168W which is running in the name of Surjit Singh under NRS category and the present custodian of shop where the meter is installed is Smt. Sukhjinder Kaur. Her consent was sought vide letter dated 02.08.2022 to share information about the said meter, but she has refused to give consent vide letter dated 08.02.022 and the complainant has been sent reply accordingly.
4. The complainant contends the version of the respondent and states that the property where meter is installed stands registered in their name and as such, a request for installation of an electricity meter was made to PSPCL Sub Division, Sunam.

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5. After hearing the version of both the parties, the Bench observes that the matter regarding which the complainant has sought information relates to a disputed property. The complainant has, however, directly approached the Commission by preferring complaint in the Commission. The Bench further observes that the complainant has not availed the provision of Section 19(1) of the RTI Act by filing an appeal with the First Appellate Authority (FAA). As such, the FAA has not been able to address the grievances of the complainant. The attention of the Complainant is drawn to the decision of the judgment of Hon'ble Supreme Court of India rendered on 12.12.2011 in Information Commissioner and another Versus State of Manipur and another in para 31 whereof, it has been held that while entertaining a complaint case under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information which is as under:-

31. We uphold the said contention and do not find any error in the impugned judgment of the Hon'ble High Court whereby it has been held that the Commissioner while entertaining a complaint under Section 18 of the said Act has no jurisdiction to pass an order providing for access to the information."

As such, since the complainant has approached the Commission under the provisions of Section 18 of the RTI, 2005, no directions for providing further information can be given by the Commission.

6. Since there is an alternative and efficacious remedy of First Appeal available to the Complainant under Section 19(1) of the RTI Act, 2005 which has not been availed in the instant complaint case and the First Appellate Authority has not had the occasion to review the decision of PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

7. The instant matter is remanded back to the **First Appellate Authority i.e. Shri Sandeep Kumar Gupta, Chief Engineer, South Zone, PSPCL, Patiala**. The Commission hereby directs the FAA to treat the copy of the Complaint (enclosed herewith) as the First Appeal and decide the matter in accordance with the provisions of the RTI Act after giving all concerned parties an opportunity to be heard. He is directed to hear the complainant within ten days and decide the matter.

8. In case, the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal before Punjab State Information Commission Section 19(3) of the RTI Act, 2005.

9. In view of the above, **the case is disposed off and closed**. Copy of the order be sent to the parties.

Sd/-

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

Chandigarh
15.11.2022

Copy to (By Regd. Post):

**First Appellate Authority, Shri Sandeep Kumar Gupta, Chief Engineer,
South Zone, PSPCL, Patiala.**