

PUNJAB STATE INFORMATION COMMISSION
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Sector 16, Chandigarh.

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Ms.Rani W/o Shri Balram,
Village Mohnawal,
Tehsil Garhshankar,
District Hoshiarpur.

..... .. Complainant

Versus

Public Information Officer,
O/o Sr. Executive Engineer,
PSPCL Sub Division, Garhshankar,
District Hoshiarpur.

Remanded Back

First Appellate Authority,
O/o Chief Engineer (North),
PSPCL, Jalandhar.

.....Respondent

CC No.661 of 2022

Present: (i) **Shri Balram and Shri Shiv Kumar on behalf of the Complainant-in person.**
(ii) **Shri Sumit Dhawan, on behalf of the PIO/Respondent- in person.**

ORDER

1. The RTI application is dated 23.05.2022 vide which the Complainant has sought information as enumerated in her RTI application. Complaint was filed in the Commission on 07.10.2022 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The notice of hearing was issued to the parties for 22.11.2022. The case has been heard today. Shri Balram and Shri Shiv Kumar come present in person before the Bench to attend the hearing on behalf of the complainant, Smt. Rani.

3. Shri Sumit Dhawan, XEN, PSPCL Sub Division, Garhshankar, District Hoshiarpur comes present to attend the hearing in person before the Bench. He states that the site where the complainant wants release of electricity connection, LT electricity line passes over it and thus, connection cannot be provided unless the line is shifted. He also states that shifting of line involves certain expenses which will have to be borne by the complainant. He also states that reply to the complainant has also been given vide letter dated 18.11.2022 giving out these details. He also states that the cable disconnected in front of complainant's house is old relating to the year 1999, the record of which is not available.

4. The representative of complainant Shri Shiv Kumar is not satisfied and contends the version of the respondent and states that there are some houses to which connection has been released. Upon this, the respondent states that as per report from his field officials, the position is not so and the same has been explained by him before the Bench.

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5. The Bench observes from the version of both the parties that it is a grievance of the complainant rather than seeking information. The Bench also observes that the complainant has 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 Devinder Sharma, Chief Engineer, North, PSPCL, Jalandhar**. 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), she 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.

Chandigarh
22.11.2022

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

Copy to (By Regd. Post):

First Appellate Authority, Shri Devinder Sharma, Chief Engineer, North Zone,
PSPCL, Jalandhar.