



Sh. Jasbir Singh (9888296107)
Guru Nanak Nagar,
Village Bolpur-Jhabewal,
Post Office Ramgarh,
District Ludhiana

.....Complainant

Versus

Regd post: Public Information Officer
O/o Sub Registrar,
Morinda, District Rupnagar

.....Respondent

COMPLAINT CASE NO.1004 OF 2021

Through CISCO WEBEX

Present: (i) Shri Jasbir Singh the complainant
(ii) None for the respondent

ORDER

The RTI application is dated 04.03.2021 whereby the information seeker has sought certain information from the PIO as enumerated in his instant application. *On not receiving the information, he* filed complaint in the Commission on 02.08.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 01.09.2021 i.e. today through CISCO Webex.

3. The complainant says that the respondents have not supplied the information till date.

4. The respondent-PIO is absent today without any communication to Commission though notice of hearing is sent to him.

5. This is a Complaint Case. Therefore, at this juncture it is relevant to invite the attention of the complainant to the judgment of the Hon'ble Supreme Court of India rendered on 12-12-2011 in Civil Appeal Nos. 10788 of 2011 (arising out of SLP © No. 32768-32769/2010) 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. 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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Complaint Case No. 1004 of 2021

6. 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. The complainant is advised to approach the first appellate authority in this behalf.

7. Accordingly this case is hereby remanded back to First Appellate Authority who is directed to decide the RTI application afresh as per provisions of the RTI Act 2005.

8. If, however, the complainant does not feel satisfied with the decision of the First Appellate Authority, he will be at liberty to file a 02nd appeal before the Commission under Section 19(3) of the RTI Act.

9. In view of the observations noted above, the instant **case is hereby ordered to be disposed of and closed.** Copy of the order be sent to the parties.

Chandigarh
Dated : 01-09-2021

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

Copy for necessary compliance is forwarded alongwith copy of instant RTI by Regd.
Post to :-

First Appellate Authority
O/o Deputy Commissioner.
Roopnagar.



Sh. Surinder Singh (9417529173)
S/o late Sh. Prem Singh
99, Ward No.11, Near Gurdwara
Chankamal Sahib, ZIRAKPUR, Tehsil Dera Bassi
District SAS Nagar(Mohali)

.....Complainant

Versus

Regd post: Public Information Officer
O/o Executive Officer,
MC, Zirakpur, The. Dera Bassi
District SAs Nagar(Mohali)

.....Respondent

COMPLAINT CASE NO.1019 OF 2021
Through CISCO WEBEX

Present: (i) Shri Surinder Singh the complainant in the Commission
(ii) None for the respondent

ORDER

The RTI application is dated 14.09.2018 whereby the information seeker has sought certain information from the PIO as enumerated in his instant application. *On not receiving the information, he* filed complaint in the Commission on 31.08.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 01.09.2021 i.e. today through CISCO Webex.

3. The complainant says that the respondents have not supplied the information till date.

4. The respondent is absent.

5. On perusal of instant RTI of complainant, it reveals that the it is in question form and moreover relates to 03rd party. A copy of reply given by respondent-PIO to complainant on 27.08.21 received in Commission in this regard, is placed in the case file.

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COMPLAINT CASE NO.1019 OF 2021

6. This is a Complaint Case. Therefore, at this juncture it is relevant to invite the attention of the complainant to the judgment of the Hon'ble Supreme Court of India rendered on 12-12-2011 in Civil Appeal Nos. 10788 of 2011 (arising out of SLP © No. 32768-32769/2010) 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. 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.

6. 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. The complainant is advised to approach the first appellate authority in this behalf.

7. Accordingly this case is hereby remanded back to First Appellate Authority who is directed to decide the RTI application afresh as per provisions of the RTI Act 2005.

8. If, however, the complainant does not feel satisfied with the decision of the First Appellate Authority, he will be at liberty to file a 02nd appeal before the Commission under Section 19(3) of the RTI Act.

9. In view of the observations noted above, the instant **case is hereby ordered to be disposed of and closed.** Copy of the order be sent to the parties.

Chandigarh
Dated : 01-09-2021

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

Copy for necessary compliance is forwarded alongwith copy of instant RTI by **Regd. Post** to :-

First Appellate Authority
O/o Deputy Commissioner.
Roopnagar.



Sh. Sohan Singh (6284515571)
S/o late Sh. Prem Singh
99, Ward No.11, Near Gurdwara
Chankamal Sahib, ZIRAKPUR, Tehsil Dera Bassi
District SAS Nagar(Mohali)

.....Complainant

Versus

Regd post: Public Information Officer
O/o The Deputy Commissioner,
Roopnagar

.....Respondent

COMPLAINT CASE NO.1022 OF 2021
Through CISCO WEBEX

Present: (i) Shri Sohan Singh the complainant
(ii) None for the respondent

ORDER

The RTI application is dated 03.06.2021 whereby the information seeker has sought certain information from the PIO as enumerated in his instant application. *On not receiving the information, he* filed complaint in the Commission on 04.08.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 01.09.2021 i.e. today through CISCO Webex.

3. The complainant says that the respondent-PIO has not supplied the information till date.

4. The respondent-PIO is absent. However, he has emailed in the Commission that complainant has already been vide their letter No.38, dated 26.07.2021 that the demanded information cannot be provided as it is in question form. It has further been stated in the above letter he was requested to visit their office on any working day from 09.00AM to 05.00PM to inspect the record and get the requisite information after depositing necessary documentation fee.

5. This is a Complaint Case. Therefore, at this juncture it is relevant to invite the attention of the complainant to the judgment of the Hon'ble Supreme Court

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COMPLAINT CASE NO.1022 OF 2021

of India rendered on 12-12-2011 in Civil Appeal Nos. 10788 of 2011 (arising out of SLP © No. 32768-32769/2010) 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. 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.

6. 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. The complainant is advised to approach the first appellate authority in this behalf.

7. Accordingly this case is hereby remanded back to First Appellate Authority who is directed to decide the RTI application afresh as per provisions of the RTI Act 2005.

8. If, however, the complainant does not feel satisfied with the decision of the First Appellate Authority, he will be at liberty to file a 2nd appeal before the Commission under Section 19(3) of the RTI Act.

9. In view of the observations noted above, the instant **case is hereby ordered to be disposed of and closed.** Copy of the order be sent to the parties.

Sd/-

Chandigarh
Dated : 01-09-2021

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

Copy for necessary compliance is forwarded alongwith copy of instant RTI by **Regd. Post** to :-

First Appellate Authority
O/o Deputy Commissioner.
Roopnagar.