

Shri Parminder Singh, S/o Late Shri Harbans Singh,
R/o E-67, First Floor,
Vishnu Garden, New Delhi-18.

--Appellant.

Versus

Public Information Officer
O/o Commissioner of Police,
Ludhiana.

First Appellate Authority:
O/o Commissioner of Police,
Ludhiana.

Respondent

Appeal Case No. 4884 of 2021

Present:- Shri Parminder Singh, appellant is present.
ASI Tarsem Singh-1689/LDH is present on behalf of the SPIO, O/o
Commissioner of Police, Ludhiana.

O R D E R

The present appeal was earlier allocated to the Bench of Ld. State Information Commissioner, Shri Avtar Singh Kaler in which Notice of hearing was issued for 05.01.2022. However since the Ld. State Information Commissioner, Shri Avtar Singh Kaler has demitted his office on the completion of his tenure, the case has been re-allocated to the Bench of the undersigned vide Office Order dated 03.01.2022.

Shri Parminder Singh, appellant filed RTI application dated 09.07.2021 and sought some information from the SPIO, O/o Commissioner of Police, Ludhiana. When no information was provided to him by the PIO then he filed First Appeal before the First Appellate Authority on 29.08.2021. Then the appellant filed Second Appeal before the Punjab State Information Commission on 26.10.2021.

The appellant is present through CISCO Webex, whereas ASI Tarsem Singh-1689/LDH is personally present in the Commission. The appellant stated that the requisite information has not been provided to him by the PIO till date.

On the other hand the respondent stated that the information sought by the appellant cannot be provided to him as the investigation related with the information is still pending before the ADCP-1, Ludhiana, so the information is exempted U/s 8(1)(h) of the RTI Act, 2005. He further stated that the reply regarding this has been sent to the appellant vide letter no.978 dated 25.12.2021. He further submitted a copy of the said letter to the Bench, which is taken in the file of the Commission.

As per the reply of the respondent that the investigation is still pending related with the information sought by the PIO, so the information is exempted U/s 8(1)(h) of the RTI Act, 2005. Hence the present appeal case is **disposed of and closed** with the observation that whenever the inquiry would be completed then the attested copies of information be sent to the appellant through registered post within 10 days and compliance be sent to the Commission.

Dated: 05.01.2022

(Maninder Singh Patti)
State Information Commissioner, Punjab.

Shri Arun Sidhu,
S/o Shri Sohan Lal,
H. No. 1108/3,
Street No. 2, Manohar Nagar,
Ludhiana.

--Complainant.

Versus

Public Information Officer
O/o Commissioner of Police,
Ludhiana.

.....Respondent

Complaint Case No. 1234 of 2021

Present:- Shri Arun Sidhu, complainant/applicant is present.
ASI Tarsem Singh-1689/LDH is present on behalf of the SPIO, O/o
Commissioner of Police, Ludhiana.

O R D E R

The present complaint was earlier allocated to the Bench of Ld. State Information Commissioner, Shri Avtar Singh Kaler in which Notice of hearing was issued for 05.01.2022. However since the Ld. State Information Commissioner, Shri Avtar Singh Kaler has demitted his office on the completion of his tenure, the case has been re-allocated to the Bench of the undersigned vide Office Order dated 03.01.2022.

Shri Arun Sidhu, complainant/applicant filed RTI application dated 09.08.2021 and sought some information from the SPIO, O/o Commissioner of Police, Ludhiana. When no information was provided to him by the PIO then he filed complaint against the PIO before the Punjab State Information Commission on 26.10.2021. Notice of hearing was issued to both the parties for today to be heard through CISCO Webex Meetings Software.

The complainant/applicant is present through CISCO Webex, whereas ASI Tarsem Singh-1689/LDH is personally present in the Commission. The complainant/applicant stated that the requisite information has not been provided to him by the PIO till date.

On the other hand the respondent stated that the sought for information has been sent to the applicant on 04.10.2021 and now again sent on 25.12.2021 vide letter no.982 dated 25.12.2021. The respondent further submitted a copy of letter no.982-D dated 25.12.2021 to the Bench, which is taken in the file.

The 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.

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 matter is remanded to the First Appellate Authority to take appropriate decision after hearing both the parties and examining the record brought on file.

So, I disposed of the present complaint case with the direction to the First Appellate Authority i.e. Commissioner of Police, Ludhiana that he should call the complainant-applicant within 30 days and personally hear him and resolve the matter involved in the RTI application by passing a speaking order and compliance report be sent back to the Commission. With this observation the present complaint case is **disposed of and closed**.

Dated: 05.01.2022

**(Maninder Singh Patti)
State Information Commissioner, Punjab.**

(Regd.) CC: Commissioner of Police, Ludhiana. – For compliance of the Order.