

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, NEAR ROSE GARDEN,

SECTOR 16, CHANDIGARH.

Ph: 0172-2864118, Email: - psic28@punjabmail.gov.in

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COMPLAINT CASE NO. 0348 OF 2021

Sh. Sandeep Kumar, (9261330007)
R/o # 3035, Street No. 7, Guru Nanak Colony,
Tran Taran Road, Amritsar-143001

...Complainant

Versus

Public Information Officer,
O/o Municipal Corporation,
Amritsar.

...Respondent

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: None on behalf of the Complainant.
Sh. Mahesh Grover, S.D.O. (Electrical) on behalf of the Respondent.

ORDER:

The RTI application is dated 07.01.2021 whereby the Complainant has sought information as mentioned in his RTI application. He filed complaint in the Commission on 18.03.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act) and Notice of hearing was issued to the parties for 08.07.2021.

The Complainant is absent.

The Respondent is emailed in the Commission mentioning therein that "You have sought the information regarding the Funds released for the development of M.C. Ward no. 40 & 65 from the period of 01.01.2018 to 31.07.2020. In this regard you are informed that there is a no specific provision for the development of any M.C. ward and no specific funds are released by the Government for the same". The same has been sent to the complainant with a copy to the Commission.

In these circumstances, 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. 10787-10788 of 2011 (arising out of SLP(C) No. 32768-32769/2010) - Chief Information Commissioner and another Vs. State of Manipur and another, in Para 31 whereby, it has been held that while entertaining a complaint case under Section 18 of the RTI Act, 2005.

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The Commissioners have no jurisdiction to pass an order providing for an access to the information. As such, since the complainant has approached the Commission under the provision of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

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 case and the First Appellate Authority has not had the occasion to review the decision of the PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

In case the Complainant has any grouse about the provided information, he is advised to challenge the response of the PIO, before the designated First Appellate Authority, as envisaged under section 19 (1) of the RTI Act, 2005, who will decide the matter in accordance with the provisions of the RTI Act within the prescribed time limit, after giving an opportunity of hearing to all concerned, by passing a speaking order.

If, however, the Complainant does not feel satisfied with the decision of the First Appellate Authority, he will be at liberty to file a Second Appeal before the Commission under section 19 (3) of the RTI Act, 2005.

In view of the observations noted above, the instant Complaint Case is hereby,
Disposed Off and Closed. Copies of the order be sent to the parties.

**Chandigarh
08.07.2021**

**Sd/-
(Hem Inder Singh)
State Information Commissioner**

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APPEAL CASE NO. 484 OF 2020

Sh. Rajesh Gupta, (9417189131)
President, Social Reformers,
216, Bharat Nagar,
Ludhiana-141001

...Appellant

Versus

Public Information Officer,
O/o Excise & Taxation Department,
Ludhiana-II.

First Appellate Authority
O/o Excise & Taxation Department,
Ludhiana-II.

...Respondents

HEARD THROUGH CISCO WEBEX/TELEPHONE

PRESENT: None on behalf of the Appellant.
Sh. Parveen Kumar, Clerk on behalf of the Respondents.

ORDER:

This order may be read with reference to the previous order dated 11.02.2021.

The Respondent states that requisite information/reply has already been sent to the appellant.

The Appellant is absent on the CISCO WEBEX subsequently he is contacted over his mobile no. 9417189131 from the Commission and he is confirmed that he has received the sufficient information and gives his consent to close the case.

In view of the above, no further action is required on behalf of the Commission, hence the instant appeal case is **Disposed Off and Closed**. Copies of the order be sent to the parties.

Chandigarh
08.07.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

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APPEAL CASE NO. 2528 OF 2020

Sh. Nirpal Singh, (9417061740)
S/o Sh. Amar Singh,
Village & Post Office Jalaldiwal,
Tehsil Raikot, District Ludhiana-141109

...Appellant

Versus

Public Information Officer,
O/o District Education Officer (Secondary),
Ludhiana.

First Appellate Authority
O/o District Education Officer (Secondary),
Ludhiana.

...Respondents

HEARD THROUGH CISCO WEBEX/TELEPHONE

PRESENT: None on behalf of the Appellant.
Sh. Paramjit Singh, Superintendent –cum – PIO.

ORDER:

This order may be read with reference to the previous order dated 11.02.2021.

The Respondent states that requisite information has already been supplied to the appellant vide letter dated 09.11.2020 and same has been sent on his Whats App No. 9417061740.

The Appellant is absent and he was also absent on the last date of hearing.

The perusal of the case file, it is revealed that the appellant has directed to point out the deficiencies in the provided information but from the last two dates, he did not turn up. It is presumed that he is satisfied with the provided information and does not want to pursue his case further. Therefore, no further action is required on behalf of the Commission, hence the instant appeal case is **Disposed Off and Closed**. Copies of the order be sent to the parties.

Chandigarh
08.07.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

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APPEAL CASE NO. 2828 OF 2020

Sh. Rohit Sabharwal,
Kundan Bhawan,
126, Model Gram,
Ludhiana.

...Appellant

Versus

Public Information Officer,
O/o Deputy Excise & Taxation Commissioner,
Mini Secretariat, Ludhiana.

First Appellate Authority
O/o Deputy Excise & Taxation Commissioner,
Mini Secretariat, Ludhiana.

...Respondents

HEARD THROUGH CISCO WEBEX/TELEPHONE

PRESENT: None for the parties.

ORDER:

This order may be read with reference to the previous order dated 11.02.2021.

The PIO is absent. However, he has sent a letter in the Commission mentioning therein that information/reply has been sent to the appellant.

The Appellant is also absent. However, representative of the appellant emailed in the commission mentioning therein information has been provided in the appeal case, which is satisfactorily.

In view of the above, no further action is required on behalf of the Commission, hence the instant appeal case is **Disposed Off and Closed**. Copies of the order be sent to the parties.

Chandigarh
08.07.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

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APPEAL CASE NO. 3718 OF 2020

Sh. Bikaramjit Singh, (9878875184)
08, Phase 3, Swiss City,
Gumtala Mahal, Bypass
Amritsar.

...Appellant

Versus

Public Information Officer,
O/o Guru Nanak Dev University,
Amritsar.

First Appellate Authority,
O/o The Vice Chancellor,
Guru Nanak Dev University,
Amritsar.

...Respondents

HEARD THROUGH CISCO WEBEX/TELEPHONE

PRESENT: None on behalf of the Appellant.
Sh. Manjit Singh, Assistant Registrar for the Respondents.

ORDER:

This order may be read with reference to the previous order dated 21.01.2021.

The Respondent states that requisite information/reply has already been sent to the appellant and he has acknowledged the same.

The Appellant is absent on the CISCO WEBEX subsequently he is contacted over his mobile no. 9878875184 from the Commission and he is confirmed that he has received the sufficient information and gives his consent to close the case.

In view of the above, no further action is required on behalf of the Commission, hence the instant appeal case is **Disposed Off and Closed**. Copies of the order be sent to the parties.

Chandigarh
08.07.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner