

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



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Helpline No.0172-2864100(From 10.00 AM to 04.00 PM on working days)**

Shri Prem Kumar Rattan,
House No.78/8, Park Road,
Navi Mandi, Dhuri,
District Sangrur.

.....Appellant

Versus

Public Information Officer
O/o Deputy Chief Engineer,
Sub Urban Distribution Division,
Punjab State Power Corpn. Ltd.
(PSPCL), Barnala.

First Appellate Authority-cum-
Deputy Chief Engineer,
Punjab State Power Corpn. Ltd.
(PSPCL), Circle, Barnala.

....Respondents

AC No.1504 of 2021

Present: (i) **Appellant- absent.**
(ii) **Shri Satpal Singh, AEE, Sub Division, Bhadaur, District Barnala,
on behalf of the PIO/Respondent**

ORDER

(Heard Through Cisco Webex)

1. This order may be read with reference to the order dated 08.11.2021 passed by this Bench on the previous hearing.
2. The case has been heard today. Shri Prem Kumar Rattan has not come present to attend the hearing in person or through Cisco Webex. He has, however, sent an e.mail dated 09.05.2022 stating that due to ill health of his mother, he may not be able to attend the hearing and that the contents of the affidavit filed by the PIO are not in consonance with the documents available on record.
3. Shri Satpal Singh, Assistant Executive Engineer, Sub Division, PSPCL Bhadaur, District Barnala comes present to attend the hearing on behalf of the PIO through cisco webex. He states that the information as existing in the official records has already been supplied to the appellant and as per directions of Hon'ble Bench, affidavit dated 23.12.2021 has also been sent to the appellant with a copy to the Hon'ble Bench.
4. The Bench, after going through the contents of affidavit as well as the reply of the PIO, finds the affidavit in order and is convinced that adequate information stands supplied.
5. In view of the above, no further cause of action is left in the matter. The instant appeal case is disposed off and closed. Copies of the order be sent to the concerned parties.

**Chandigarh
09.05.2022**

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

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Shri Prem Kumar Rattan,
House No.78/8, Park Road,
Navi Mandi, Dhuri,
District Sangrur.

.....Appellant

Versus!

Public Information Officer

O/o Addl. Superintending Engineer,
Punjab State Power Corpn. Ltd.(PSPCL),
Rural Distribution Division, Barnala.

First Appellate Authority

O/o Deputy Chief Engineer,
Punjab State Power Corpn. Ltd.(PSPCL),
Barnala Circle, Barnala.

....Respondents

AC No.1407 of 2021

Present: (i) **Appellant- absent.**
(ii) **Shri Satpal Singh, AEE, Sub Division, Bhadaur, District Barnala,
on behalf of the PIO/Respondent**

ORDER

(Heard Through Cisco Webex)

1. This order may be read with reference to the order dated 08.11.2021 passed by this Bench on the previous hearing.
2. The case has been heard today. Shri Prem Kumar Rattan has not come present to attend the hearing in person or through Cisco Webex. He has, however, sent an e.mail dated 09.05.2022 stating that due to ill health of his mother, he may not be able to attend the hearing and that the contents of the affidavit filed by the PIO are not in consonance with the documents available on record.
3. Shri Satpal Singh, Assistant Executive Engineer, Sub Division, PSPCL Bhadaur, District Barnala comes present to attend the hearing on behalf of the PIO through cisco webex. He states that the information as existing in the official records has already been supplied to the appellant and as per directions of Hon'ble Bench, affidavit dated 23.12.2021 has also been sent to the appellant with a copy to the Hon'ble Bench.
4. The Bench, after going through the contents of affidavit as well as the reply of the PIO, finds the affidavit in order and is convinced that adequate information stands supplied.
5. In view of the above, no further cause of action is left in the matter. The instant appeal case is disposed off and closed. Copies of the order be sent to the concerned parties.

**Chandigarh
09.05.2022**

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

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Shri Prem Kumar Rattan,
House No.78/8, Park Road,
Navi Mandi, Dhuri,
District Sangrur.

.....Appellant

Versus

Public Information Officer

O/o Deputy Chief Engineer,
Punjab State Power Corpn. Ltd.(PSPCL),
Distribution Division, Barnala.

First Appellate Authority

O/o Deputy Chief Engineer,
Punjab State Power Corpn. Ltd.(PSPCL),
Distribution Division, Barnala.

....Respondents

AC No.1400 of 2021

Present: (i) **Appellant- absent.**
(ii) **Shri Satpal Singh, AEE, Sub Division, Bhadaur, District Barnala,
on behalf of the PIO/Respondent**

ORDER

(Heard Through Cisco Webex)

1. This order may be read with reference to the order dated 08.11.2021 passed by this Bench on the previous hearing.
2. The case has been heard today. Shri Prem Kumar Rattan has not come present to attend the hearing in person or through Cisco Webex. He has, however, sent an e.mail dated 09.05.2022 stating that due to ill health of his mother, he may not be able to attend the hearing and that the contents of the affidavit filed by the PIO are not in consonance with the documents available on record.
3. Shri Satpal Singh, Assistant Executive Engineer, Sub Division, PSPCL Bhadaur, District Barnala comes present to attend the hearing on behalf of the PIO through cisco webex. He states that the information as existing in the official records has already been supplied to the appellant and as per directions of Hon'ble Bench, affidavit dated 23.12.2021 has also been sent to the appellant with a copy to the Hon'ble Bench.
4. The Bench, after going through the contents of affidavit as well as the reply of the PIO, finds the affidavit in order and is convinced that adequate information stands supplied.
5. In view of the above, no further cause of action is left in the matter. The instant appeal case is disposed off and closed. Copies of the order be sent to the concerned parties.

**Chandigarh
09.05.2022**

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

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Er. Ajitpal Singh Multani,
Addl. S.E. /Communication,
T&C Cell, 408/409,
3rd Floor, Shakti Sadan, Jalandhar.

.....Appellant

Versus

Public Information Officer

O/o Superintending Engineer, Technical,
Punjab State Power Corpn. Ltd.(PSPCL),
Patiala.

First Appellate Authority

O/o Chief Engineer, HRD,
Punjab State Power Corpn. Ltd.(PSPCL),
Patiala.

....Respondents

AC No.1395 of 2021

Present: (i) **Shri Ajitpal Singh Multani, Appellant.**
(ii) **Shri Pal Singh, Senior Assistant, O/o Joint Secretary, Technical-3, PSPCL, Patiala, on behalf of the PIO/Respondent, in person.**

ORDER

(Heard in person/through Cisco Webex)

1. This order may be read with reference to the order dated 08.11.2021 passed by this Bench on the previous hearing.
2. The case has been heard today. Shri Ajitpal Singh Multani, appellant comes present to attend the hearing through Cisco Webex. He states that he has not been given satisfactory reply on point No.3 & 4 of his RTI application. He further states that the affidavit sent vide letter dated 22.01.2022 has been signed by APIO whereas, as per directions of Hon'ble Bench, it should have been signed by the PIO.
3. Shri Pal Singh, Senior Assistant O/o Joint Secretary, Technical-3, PSPCL Patiala comes present to attend the hearing in person before the Bench. He states that information has been supplied to the appellant along with relevant documents. He further states that the affidavit was signed by the APIO as at that time, no officer was appointed as the PIO and now, a Superintending Engineer has joined who is also the designated PIO.
4. Post deliberations, the Bench opines that the affidavit signed by the APIO is not accepted and directs the PIO to file a fresh affidavit on non-judicial stamp paper, within 21 (twenty one) days, duly signed by the PIO and attested by the Notary Public to the effect that the information as available in AC No.1395/2021

Cont.....P-2



-2-

AC No.1395/2021

has been supplied to the appellant vide registered letter (date to be given). It be further stated that the appellant was also afforded opportunity for inspection of records. Further stating that reply to the appellant has been given stating therein the factual position with regard to the information supplied on point No.3 & 4 of the RTI application. It be also stated that nothing has been concealed therein and the statement made is true and correct. Original affidavit be sent to the appellant and copy of the same be sent to the Commission for record.

5. With the aforesaid directions, **the instant appeal case is disposed off and closed.** Copies of the order be sent to the concerned parties.

**Chandigarh
09.05.2022**

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

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Smt. Daljit Kaur
W/o Shri Mohinder Singh
R/o Villarge Sakrali,
Tehsil Nabha, Distt. Patiala.

..... Complainant

Versus

Public Information Officer

O/o Assistant Executive Engineer,
Punjab State Power Corporation Ltd.,
(PSPCL), Bhadson, Tehsil Nabha,
District Patiala.

Remanded Back

First Appellate Authority

Chief Engineer (Central Zone),
PSPCL, Ludhiana.

....Respondents

CC No.1228/2021

Present: (i) **Complainant- absent.**
(ii) **None on behalf of the respondent**

ORDER

1. The RTI application is dated 16.07.2021 vide which the Complainant has sought information as enumerated in her RTI application. The complaint was filed in the Commission on 21.10.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The notice of hearing was issued to the parties for 09.05.2022. The case has been heard today. Smt. Daljit Kaur, the complainant has not come present to attend the hearing either in person before the Bench or through cisco webex.

3. Neither the PIO has come present to attend the hearing in person before the Bench nor he has deputed any of his representatives to attend the hearing.

4. On perusal of the contents of second appeal filed in the Commission, the Bench observes that the reply to the RTI application has not been given by the PIO to the complainant and the complainant has preferred Complaint in the Commission.

5. The Bench observes that the complainant has not availed the provision of the 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 Harjit Singh Gill, Chief Engineer, Central Zone, PSPCL, Ludhiana**. 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 give an early date to hear the complainant 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
09.05.2022

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

Copy to (By Regd. Post):

**First Appellate Authority, Shri Harjit Singh Gill,
Chief Engineer, Central Zone, PSPCL, Ludhiana.**

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Shri Sarbdayal Singh

S/o Shri Sardara Singh

Village Bhutwind

Tehsil Khadur Sahib,

District Tarn Taran.

.....Appellant

Versus

Public Information Officer

O/o Superintending Engineer,

Punjab State Power Corporation Ltd.

(PSPCL), Tarn Taran.

First Appellate Authority,

O/o Chief Engineer, Border Zone,

Punjab State Power Corporation Ltd.,

Amritsar.

...Respondents

AC No.4791/2021

Present:

- (i) Appellant- absent
- (ii) Shri Suresh Kumar, SDO Sub Division, PSPCL, Nagoke, Distt. Tarn Taran,
On behalf of the PIO/respondent, in person.

ORDER

(Heard in person/on mobile phone)

1. The RTI application is dated 19.07.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 25.08.2021 and the second appeal was filed in the Commission on 21.10.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 09.05.2022. Shri Sarbdayal Singh, appellant has not come present to attend the hearing in person or through cisco webex.
3. Shri Suresh Kumar, SDO, Sub Division, Nagoke, District Tarn Taran comes present to attend the hearing in person before the Bench on behalf of the PIO. He produces authority letter from the PIO before the Bench which is taken on record. He states that the appellant has been supplied information vide letter dated 29.04.2022 and the appellant has also given receipt dated 06.05.2022.
4. Shri Sarbdayal Singh, appellant is contacted on mobile phone. On the asking of the Bench, he confirms the receipt of information and also gives his consent to close the case.

Cont..P-2

5. In view of the above, no further cause of action is left in the matter. **The instant appeal case is disposed off and closed.** Copies of the order be sent to the concerned parties.

Chandigarh
09.05.2022

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

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Shri Balkar Singh,
S/o Shri Mian Singh,
R/o Abadi Gumtala Malanwali,
PO SJS Avenue,
Tehsil & District Amritsar.

.....Appellant

Versus

Public Information Officer

O/o Punjab Urban Development and
Development Authority
Amritsar Vikas Authority,
Green Avenue, PUDA Bhawan,
Amritsar.

First Appellate Authority,

O/o Chief Administrator,
Punjab Urban Development and
Development Authority
Amritsar Vikas Authority,
Green Avenue, PUDA Bhawan,
Amritsar.

...Respondents

AC No.4761/2021

Present: (i) **Shri Balkar Singh, Appellant, in person.**
(ii) **Smt. Kiran Kumari, Superintendent/APIO & Shri Vivek, Clerk O/o Amritsar Development Authority, on behalf of the PIO/Respondent, in person.**

ORDER

1. The RTI application is dated 08.04.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 21.05.2021 and the second appeal was filed in the Commission on 12.10.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 09.05.2022. Shri Balkar Singh, appellant comes present to attend the hearing in person before the Bench.
3. Smt. Kiran Kumari, Superintendent along with Shri Vivek, Clerk O/o Amritsar Development Authority, Amritsar comes present to attend the hearing on behalf of the PIO. She states that the information was sent to the appellant vide letter dated 29.07.2021 and again the information was sent to the appellant on 09.08.2021. The appellant and his representative had also come present in their office and copy of letter dated 09.08.2021 was again given to him. She further states that the appellant was informed that the Promoter Registration Certificate was cancelled and that the amount of Bank Guarantee Rs.50,000/- was forfeited.

4. On the asking of the Bench, the appellant states that he is not satisfied with the information supplied as the grounds on which the Bank Guarantee has been forfeited have not been apprised to him by the PIO.

5. Post deliberations, the appellant is apprised that information as existing in the official records can only be provided. The Bench now directs the PIO(Shri Gurpreet Singh, XEN, Public Health) to file an affidavit on non-judicial stamp paper within 21 (twenty one) days duly signed by the PIO and attested by the Notary Public to the effect that the information as available in the official records in AC no.4761 of 2021 has been supplied to the appellant. The appellant was also afforded opportunity to inspect the relevant official records. It be further stated that nothing has been concealed therein and the statement made is true and correct. Original affidavit be sent to the appellant and copy of the same be sent to the Commission for record.

6. With the aforesaid directions, **the appeal case is disposed off and closed.** Copies of the order be sent to the concerned parties.

**Chandigarh
09.05.2022**

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

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Shri Balkar Singh,
S/o Shri Mian Singh,
R/o Abadi Guntala Malanwali,
PO SJS Avenue,
Tehsil & District Amritsar.

.....Appellant

Versus

Public Information Officer

O/o Punjab Urban Development and
Development Authority (PUDA)
PUDA Bhawan, SAS Nagar(Mohali).

First Appellate Authority,

O/o Chief Administrator,
Punjab Urban Development and
Development Authority (PUDA)
PUDA Bhawan, SAS Nagar(Mohali).

...Respondents

AC No.4757/2021

Present:

- (i) **Shri Balkar Singh, Appellant, in person.**
- (ii) **Smt. Kiran Kumari, Superintendent/APIO & Shri Vivek, Clerk
O/o Amritsar Development Authority, on behalf of the PIO/Respondent,
in person.**

ORDER

1. The RTI application is dated 08.04.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 21.05.2021 and the second appeal was filed in the Commission on 12.10.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 09.05.2022. Shri Balkar Singh, appellant comes present to attend the hearing in person before the Bench.
3. Smt. Kiran Kumari, Superintendent along with Shri Vivek, Clerk O/o Amritsar Development Authority, Amritsar comes present to attend the hearing on behalf of the PIO. She states that the information was sent to the appellant vide letter dated 19.05.2021 and again the information was sent to the appellant on 19.07.2021. The appellant and his representative had also come present in their office and copy of letter dated 19.07.2021 was again given to him. She further states that the appellant was informed that the information on point No.1 to 3 was provided vide letter dated 19.05.2021 and informed that the bank guarantee for Rs.4,91,000/- issued by Punjab & Sind Bank, Sharifpura, Amritsar is valid upto 31.03.2007.

4. On the asking of the Bench, the appellant states that he is not satisfied with the information supplied as complete information has not been supplied and that the Bank Guarantee of Rs.4.91 lacs was got renewed by him upto 31.08.2008 whereas it is reported to be valid upto 31.03.2007 only.

5. Post deliberations, the appellant is apprised that information as existing in the official records can only be provided. The Bench now directs the PIO(Shri Gurpreet Singh, XEN, Public Health) to file an affidavit on non-judicial stamp paper within 21 (twenty one) days duly signed by the PIO and attested by the Notary Public to the effect that the information as available in the official records in AC no.4761 of 2021 has been supplied to the appellant. The appellant was also afforded opportunity to inspect the relevant official records. It be further stated that nothing has been concealed therein and the statement made is true and correct. Original affidavit be sent to the appellant and copy of the same be sent to the Commission for record.

6. With the aforesaid directions, **the appeal case is disposed off and closed.** Copies of the order be sent to the concerned parties.

Chandigarh
09.05.2022

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

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Shri Rohit Malhotra,
#58, Sehaj Enclave,
Amritsar-143001.

..... Complainant

Versus

Public Information Officer
O/o Addl. Chief Administrator,
Amritsar Development Authority,
Amritsar.

Remanded Back
First Appellate Authority
Addl. Chief Administrator,
Amritsar Development Authority,
Amritsar.

..... Respondents

CC No.65/2022

Present: (i) **Complainant- absent.**
(ii) **Smt. Poonam Bala, Superintendent/APIO, A.D.A. Amritsar**
on behalf of the respondent, in person.

ORDER

(Heard in person/on mobile phone)

1. The RTI application is dated 27.10.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 03.02.2022 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 09.05.2022. The case has been heard today. Shri Rohit Malhotra, the complainant has not come present to attend the hearing either in person before the Bench or through cisco webex.
3. Smt. Poonam Bala, Superintendent/APIO O/o Amritsar Development Authority, Amritsar comes present in person before the Bench to attend the hearing on behalf of the PIO/respondent. She states that the complainant had visited office of A.D.A. Amritsar and the information has been provided to the complainant vide letter dated 06.05.2022.
4. The complainant is contacted on mobile phone. He states that he has been supplied information except point No.5 of his RTI application. Then he is made to talk to Smt. Poonam Bala who explains to him the non-availability of said information in the records.
5. The Bench observes that the complainant has not availed the provision of the 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. Smt. Lavjeet Kalsi, Additional Chief Administrator, Amritsar Development Authority, Amritsar**. 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 give an early date to hear the complainant 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.

Chandigarh
09.05.2022

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

Copy to (By Regd. Post):

First Appellate Authority, Smt. Lavjeet Kalsi,
Additional Chief Administrator,
Amritsar Development Authority, Amritsar

