

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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APPEAL CASE NO. 0523 OF 2021

Shri Paramjit Singh, (8968785583)
R/o House No. 83, Mohalla Ahluwalia,
Mukerian, District Hoshiarpur-144211

...Appellant

Versus

Public Information Officer,
O/o Deputy Superintendent of Police,
Mukerian, District Hoshiarpur.

First Appellate Authority
O/o Senior Superintendent of Police,
Hoshiarpur.
Respondents

HEARD THROUGH CISCO WEBEX/VC/TELEPHONE

Present Sh. Paramjit Singh the Appellant
Sh. Naresh Kumar, SI, for Respondents.

ORDER

This order may be read with reference to the previous order dated 03-08-2021.

2. The Respondent orally states that pursuant to the previous order of the Court, affidavit filed by the PIO has been supplied **in original** to the appellant and copy has been sent to the Commission.

3. The Appellant orally accepts the receipt of original affidavit from the respondents in the instant case.

4. Perusing the affidavit it reveals that the PIO has mentioned at para 3 "that complete available information has been supplied to the appellant and except this no other information in this appeal case No.523 of 2021 is available in their record".

5. In view of the above, no more cause of action is left and **hence, the case is ordered to be disposed of and closed.** Copies of the order be sent to the parties.

Chandigarh
13.10.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

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APPEAL CASE NO. 0805 OF 2021

Shri Jaswant Singh, (9888865056)
MD of Defunct Mushrooms & Canning (P) Ltd.
#2525/B, Sector 47-C,
Chandigarh-160047

...Appellant

Versus

Public Information Officer,
O/o The Director of Industries &
Commerce (Incentive Section)
Udyog Bhawan, Sector 17,
Chandigarh.

First Appellate Authority
O/o The Director of Industries &
Commerce (Incentive Section)
Udyog Bhawan, Sector 17,
Chandigarh.

...Respondents

HEARD THROUGH VC/CISCO WEBEX/TELEPHONE

Present Sh. Jaswant Singh, the Appellant
Smt. Harshpal Kaur, Dy. Director and Ms. Manpreet Kaur, Assistant for the
respondents.

ORDER

This order may be read with reference to the previous order dated 09.09.2021.

2. The Respondent orally states that pursuant to the previous order of the Court, affidavit filed by the PIO has been supplied **in original** to the appellant and copy has been sent to the Commission.

3. The Appellant orally accepts the receipt of original affidavit from the respondents in the instant case and shows his dissatisfaction.

4. Perusing the affidavit it reveals that the PIO has mentioned at para 5 "that it is also mentioned that the information could not be supplied as relevant record is not available in the Incentive Branch, Department of Industries and Commerce, Punjab and it is not intentional".

5. In view of the above, no more cause of action is left and **hence, the case is ordered to be disposed of and closed.** Copies of the order be sent to the parties.

Chandigarh
13.10.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

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COMPLAINT CASE NO. 0893 OF 2021

Shri Sucha Singh, (9781220043)
S/o Sh. Kehar Singh
VPO Bhallari, Teh. Nangal,
District Roopnagar-140126

...Appellant

Versus

Public Information Officer,
O/o The XEN – Distt. Mining Officer,
Mining Department,
Roopnagar.

...Respondents

HEARD THROUGH VC/CISCO WEBEX/TELEPHONE

Present Sh. Sucha Singh, the Complainant
Sh. Sukhwinder Singh, XEN-cum-Distt. Mining Officer-PIO for the respondents.

ORDER

The RTI is dated 02.06.2021 vide which the complainant has sought certain information as mentioned in the RTI from the PIO. He filed complaint in the Commission on 09.07.2021. The notice of hearing was issued to both the parties for 13.10.2021.

2. The Respondent orally states that available information has already been supplied to the complainant on 01.10.2021.

3. The Complainant orally states that information supplied is incomplete.

4. 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.

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.

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-02-

COMPLAINT CASE NO. 0893 OF 2021

5. 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.

6. 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.

7. 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
13-10-2021

Sd/-
(Hem Inder Singh)
State Information Commissioner,
Punjab

Copy is forwarded alongwith copy of RTI by **REGD Post** to :-

First Appellate Authority
O/o The Superintending Engineer,
Mining Department,
Roopnagar.

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, NEAR ROSE GARDEN,

SECTOR 16, CHANDIGARH.

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COMPLAINT CASE NO. 0927 OF 2021

Shri Rajesh Kumar, (9814896311)
S/o Sh. Prem Kumar
(Karyana Marchant)
MOGA.

...Appellant

Versus

Public Information Officer,
O/o The President,
D. M. College Managing Committee,
MOGA.

...Respondents

HEARD THROUGH VC/CISCO WEBEX/TELEPHONE

Present Sh. Mangat Lal Advocate for the Complainant
Advocate Mittal, for the respondents.

ORDER

The RTI is dated 15-04-2021 vide which the complainant has sought certain information as mentioned in the RTI from the PIO. He filed complaint in the Commission on 15.07.2021. The notice of hearing was issued to both the parties for 13.10.2021.

2. The representative of the Complainant states that no information has been provided to him till date.

3. The representative of the Respondent states that the complainant has been intimated vide their letter No.1034/21, dated 08.10.2021 stating that D.M.College Managing Committee, Moga is not a public authority as per Section 2(h) of the RTI Act 2005 and does not fall under said RTI Act 21005. Email received in the Commission is taken on record.

4. 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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-02-

COMPLAINT CASE NO. 0927 OF 2021

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.

5. 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.

6. 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.

7. 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
13-10-2021

Sd/-
(Hem Inder Singh)
State Information Commissioner,
Punjab

Copy is forwarded alongwith copy of RTI by **REGD Post** to :-

First Appellate Authority
O/o The DPI (Colleges) Punjab,
Vidya Bhawan, PSEB Complex,
Sector 68, SAS Nagar(Mohali)

PUNJAB STATE INFORMATION COMMISSION

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COMPLAINT CASE NO. 0932 OF 2021

Shri Tarun Kumar Sharma,
Street No.4, Vikas Colony,
Nabha - 147201

(9855343077)

...Appellant

Versus

Public Information Officer,
O/o The Principal,
Government College,
Amargarh.

...Respondents

HEARD THROUGH VC/CISCO WEBEX/TELEPHONE

Present None for the Complainant
Smt. Deepika Jindal, APIO, for the respondents.

ORDER

The RTI is dated 05-03-2021 vide which the complainant has sought certain information as mentioned in the RTI from the PIO. He filed complaint in the Commission on 16.07.2021. The notice of hearing was issued to both the parties for 13.10.2021.

2. The Respondent states that available information has already been supplied to the complainant vide their letter dated 20.09.2021.

3. The Complainant is absent today without any intimation to the Commission.

4. 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.

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.

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-02-

COMPLAINT CASE NO. 0932 OF 2021

5. 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.

6. 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.

7. 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
13-10-2021

Sd/-
(Hem Inder Singh)
State Information Commissioner,
Punjab

Copy is forwarded alongwith copy of RTI by **REGD Post** to :-

First Appellate Authority
O/o The DPI (Colleges) Punjab,
Vidya Bhawan, PSEB Complex,
Sector 68, SAS Nagar(Mohali)

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APPEAL CASE NO. 3051 OF 2021

Shri Jaswinder Singh Mavi, (9878411618)
1154, B, Sector 5, Eco City-1,
New Chandigarh, District Moghali-140901.

...Appellant

Versus

Public Information Officer,
O/o The Controller of Examination,
Punjabi University, Patiala

First Appellate Authority
O/o The Controller of Examination,
Punjabi University, Patiala

.....Respondents

HEARD THROUGH CISCO WEBEX/VC/TELEPHONE

Present Sh. Jaswinder Singh Mavi, the Appellant
Advocate Vikrant Sharma, for Respondents.

ORDER

The RTI is dated 05.03.2021 in which the appellant has sought certain information from the PIO as enumerated in the RTI application. He filed First Appeal on 10.06.2021 in the O/o FAA (hereinafter called as First Appellate Authority) and filed Second Appeal in the Commission on 02.07.2021 under section 19 of the RTI Act 2005 (hereinafter called as Right to Information Act).

2. The appellant states that the respondents have not supplied the information till date.

3. The representative of the respondent states that the appellant has suitably been intimated vide their letter No.3047/S-3/185/21/RTI Cell, dated 15.06.2021 that information cannot be furnished under section 8(1)(j) as it relates to third party and moreover, no public interest is involved.

4. Perusing the case file, it reveals that a letter No.4695/S-3/185/RTI Cell, dated 08.09.2021 along with copy of letter No.3047/S-3/185/21/RTI Cell, dated 15.06.2021 is received in the Commission vide diary No.20922 dated 14.09.2021 addressed to the appellant stating therein that information cannot be furnished under section 8(1)(j) as it relates to third party and moreover, no public interest is involved. The letter is taken on record.

5. In view of the above, **the case is ordered to be disposed of and closed.** Copies of the order be sent to the parties.

Chandigarh
13.10.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

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APPEAL CASE NO. 3330 OF 2020

Advocate Ravi Jindal (9317858000)
R/o Punia Colony, Street No.9,
Chandigarh Heart Centre,
Sangrur-148001.

.....Appellant

Versus

Public Information Officer,
O/o The State Transport Commissioner,
Punjab, Backside Mehfil Hotel,
Sector 17, Chandigarh.

Public Information Officer,
O/o The Regional Transport Authority,
SANGRUR. (Impleaded as Deemed-PIO)

First Appellate Authority
O/o The State Transport Commissioner,
Punjab, Backside Mehfil Hotel,
Sector 17, Chandigarh.

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

Present None for the Appellant.
Smt. Kulwinder Kaur, Superintendent-cum-PIO and Sh. Gurbax Singh, Draughtsman
on behalf of the Respondents.

ORDER

This order may be read with reference to the previous order dated 09.09.2021.

2. The appellant reiterates that information of para 7 of his RTI has not been furnished by the respondents.

3. The Respondent-PIO is present today. She states that the matter with the PIO O/o RTA, Sangrur, was taken up to supply information of para 7 of the instant RTI who, in turn, informed vide Note No.STC A(S-4)/22684, dated 07.09.2021 that information as per letter of Govt. of Punjab, Department of Governance Reforms & Public Grievances (Governance Reforms-1 Br), dated 09.08.2021 cannot be furnished to the appellant. She further states that the appellant has suitably been informed vide their letter No.STC/RTI/PIO/4903/22803, dated 08.09.2021 in this regard and copy of the same has also been sent to the Commission. The letter is taken on record.

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-02-

APPEAL CASE NO. 3330 OF 2020

5. The appellant is absent. However, he is taken over telephone, who accepts the receipt of letter No.STC/RTI/PIO/4903/22803, dated 08.09.2021 from the respondents.

6. In the light of above, the Commission is not inclined to intervene further in the instant case and hence, **the case is disposed of and closed.** Copies of the order be sent to the parties.

Chandigarh
13.10-2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

Copy for immediate compliance is forwarded to :-

1. Shri Karanbir Singh Chheena,
Regional Transport Authority,
SANGRUR.
2. **Public Information Officer,**
O/o The Regional Transport Authority,
SANGRUR.