

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

**Ph: 0172-2864116, Email: - [psic26@punjabmail.gov.in](mailto:psic26@punjabmail.gov.in)**

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



Shri D.C. Gupta, IDAS (Retd.)  
#778, Urban Estate, Phase-1,  
Patiala-147002.

.....Complainant

Versus

**Public Information Officer**  
O/o Patiala Development Authority,  
Patiala.

**Remanded Back**

**First Appellate Authority**  
O/o Addl. Chief Administrator,  
Patiala Development Authority,  
Patiala.

...Respondents

**CC No.1091 of 2021**

**Present:** (i) **Complainant- absent,**  
(ii) **Shri Attar Singh, Senior Assistant, P.D.A. Patiala,**  
**on behalf of the PIO/Respondent, in person.**

**ORDER**

**(Heard in person/on mobile phone)**

1. The RTI application is dated 20.05.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 26.08.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 13.12.2021 in Commission's office at Chandigarh. Accordingly, the case has been heard today. Shri D.C. Gupta, complainant has not come present to attend the hearing in person before the Bench.
3. Shri Attar Singh, Sr. Assistant O/o Patiala Development Authority, Patiala comes present to attend the hearing in person on behalf of the PIO. He states that the information sought by the complainant has been supplied vide letter dated 16.08.2021 by registered post.
4. The complainant Shri D.C. Gupta is contacted on mobile phone. He admits receipt of information. However, the same has been supplied to him after a delay of 84 days which is not as per the time line laid down under the provisions of RTI Act, 2005.
5. The Bench observes that the complainant admits receipt of information to his satisfaction, but he is not satisfied with the manner in which the RTI of the complainant has been dealt with and the delay in provision of information. The Bench further 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 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 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. In case the complainant has any grouse about the time delay in provision of 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 case in accordance with the provisions of RTI Act within the prescribed time limit, after giving an opportunity of hearing to all concerned. The Bench observes that the complainant must be given an opportunity to avail of the above said remedy.

7. The instant matter is remanded back to the First Appellate Authority i.e. Ms. Isha Singhal, Addl. Chief Administrator, Patiala Development Authority, Patiala. 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. She is directed to give an early date to hear the complainant and decide the matter.



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**CC No.1091/2021**

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  
13.12.2021**

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

**Copy to (By Regd. Post):**

**First Appellate Authority,  
Ms. Isha Singhal,  
Addl. Chief Administrator,  
Patiala Development Authority,  
Patiala.**

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RED CROSS BUILDING, NEAR ROSE GARDEN,  
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Shri Nachhattar Singh  
S/o Shri Arjan Singh  
R/o Model Town No.2,  
Village Sheron, Tehsil Sunam,  
District Sangrur.

.....Complainant

Versus

**Public Information Officer**  
O/o Sub Divisional Officer,  
PSPCL Sub Division, Cheema,  
Tehsil Sunam, District Sangrur.

**Remanded back**

**First Appellate Authority**  
O/o Chief Engineer,  
South Zone, PSPCL, Patiala.

...Respondents

**CC No.1094 of 2021**

**Present:** (i) **Complainant- absent.**  
(ii) **Shri Krishan Singh, Asstt. Lineman, and Shri Satagur Singh, L.D.C.  
PSPCL, Sunam, Distt. Sangrur, on behalf of the PIO/Respondent,  
in person.**

**ORDER**

**(Heard in person/on mobile phone)**

1. The RTI application is dated 12.07.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 27.08.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 13.12.2021 in Commission's office at Chandigarh. Accordingly, the case has been heard today. Shri Nachhattar Singh, complainant has not come present to attend the hearing in person before the Bench.
3. Shri Krishan Singh, Asstt. Lineman, and Shri Satagur Singh, L.D.C. PSPCL, Sunam, District Sangrur, come present to attend the hearing in person on behalf of the PIO/Respondent. The representative of the PIO states that the complainant has sought information as to whether Shri Deepak Mittal as mentioned in the RTI application has applied for any permanent electricity connection or not and has also sought connected documents. He also produces letter dated 06.12.201as reply to the RTI application before the Bench wherein it has also been stated that keeping in view the order of Hon'ble Court in the court case pending between the parties, the electricity connection was released. On the asking of the Bench, he states that the said reply has not been sent to the complainant.

Cont..P-2

4. The complainant Shri Nachhattar Singh is contacted on mobile phone. The phone is picked up by grandson of complainant. He is apprised that the complaint case is being remanded back to the First Appellant Authority and asked to intimate the same to the complainant.

5. The Bench observes that the complainant is not satisfied with the reply of PIO and he 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 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 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. 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 time limit in accordance with the provisions of RTI Act within the prescribed time limit, after giving an opportunity of hearing to all concerned The Bench observes that the complainant must be given an opportunity to avail of the above said remedy.



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**CC No.1094/2021**

7. The instant matter is remanded back to the First Appellate Authority i.e. Er. Gurpreet Singh, Chief Engineer, South Zone, Punjab State Power Corporation Ltd., Patiala. 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  
13.12.2021**

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

**Copy to (By Regd. Post):**

**First Appellate Authority,  
Er. Gurpreet Singh,  
Chief Engineer, South Zone,  
Punjab State Power Corporation Ltd.,  
Patiala.**

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Shri Taranjit Singh,  
H.No.33, Adarsh Nagar,  
Tarehti, PO Shahpur Kandi,  
District Pathankot.

.....Appellant

Versus

**Public Information Officer**

O/o Environmental Engineer,  
Punjab Pollution Control Board,  
Batala, District Gurdaspur.

**First Appellate Authority**

O/o Environmental Engineer,  
Punjab Pollution Control Board,  
Batala, District Gurdaspur.

....Respondents

**AC No.3863 of 2021**

**Present:** (i) Appellant- absent.  
(ii) Shri Sukhwant Singh, Assistant Environmental Engineer, Punjab Pollution Control Board, Batala, Distt. Gurdaspur, on behalf of the PIO/Respondent, in person.

**ORDER**

**(Heard in person/on mobile phone)**

1. The RTI application is dated 24.05.2021 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 28.06.2021 and the second appeal was filed in the Commission on 26.08.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The notice of hearing was issued to the parties for 13.12.2021 in Commission's office at Chandigarh. Accordingly, the case has been heard today. Shri Taranjit Singh, appellant has not come present to attend the hearing in person before the Bench. However, an e.mail dated 06.12.2021 has been received from the appellant that information supplied on points No.1 & 3 is incomplete and that information on points No.2 & 4 has not been supplied to him.

3. Shri Sukhwant Singh, Assistant Environmental Engineer, PPCB, Batala, District Gurdaspur comes present to attend the hearing in person. He states that the information has provided to the appellant by registered post on 17.03.2021. Then, the appellant had sought additional details vide letters dated 24.03.2021, 15.04.2021 & 24.05.2021 which were sent vide letters dated 22.04.2021, 29.04.2021 and 08.06.2021 respectively through registered post.

Cont..P-2



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**AC No.3863/2021**

4. The appellant Shri Taranjit Singh is contacted on mobile phone. He is made to talk to the representative of PIO, who explains to him the information supplied on each point of his RTI application. The Bench then talks to the appellant and apprises him of the position regarding supply of information as stated by the representative of PIO.

5. Post deliberations, the Bench observes that the appellant has also been supplied information by the PIO in response to his observations, after addressing the deficiencies pointed out by him. As such, the Bench is convinced that the appellant has been supplied information adequately. The Bench now directs the PIO to file an affidavit on non judicial stamp paper within 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.3863 of 2021 has been supplied to the appellant. It be further stated that nothing has been concealed therein and the information supplied is true and correct. Original affidavit be sent to the appellant and photocopy of the same be sent to the Commission for record.

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

**Chandigarh  
13.12.2021**

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



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Shri Baldev Krishan  
S/o Shri Nanak Chand,  
R/o Street Dr. Mohan Singh,  
H.No.B-1570, Fazilka.

.....Appellant

Versus

**Public Information Officer**

O/o Municipal Council,  
Fazilka, District Fazilka.

**First Appellate Authority**

O/o Deputy Director,  
Local Bodies, Ferozepur.

....Respondents

**AC No.3881 of 2021**

**Present: (i) Shri Baldev Krishan, Appellant  
(ii) Shri Megh Lal, Junior Assistant and Shri Sanjeev Kumar, Clerk,  
O/o Municipal Council, Fazilka on behalf of the PIO/Respondent.**

**ORDER**

1. The RTI application is dated 30.03.2021 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 24.05.2021 and the second appeal was filed in the Commission on 27.08.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The notice of hearing was issued to the parties for 13.12.2021 in Commission's office at Chandigarh. Accordingly, the case has been heard today. Shri Baldev Krishan, appellant comes present to attend the hearing in person before the Bench.

3. Shri Megh Lal, Junior Assistant, representative of the PIO along with Shri Sanjeev Kumar, Clerk comes present to attend the hearing in person before the Bench. He states that the information as asked for by the appellant has been supplied to him vide letter dated 10.05.2021 by registered post.

4. On the asking of the Bench, the appellant Shri Baldev Krishan states that he had sought information relating to transfer record in respect of his property No.122 which he has received after a delay of 55 days and the information supplied is partially incorrect.

Cont..P-2



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**AC No.3881/2021**

5. Post deliberations, the Bench is convinced that the appellant has been supplied information adequately despite the appellant stating that a part of information supplied is incorrect. The Bench now directs the PIO to file an affidavit on non judicial stamp paper within 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.3881 of 2021 has been supplied to the appellant. It be further stated that nothing has been concealed therein and the information supplied is correct. Original affidavit be sent to the appellant and photocopy of the same be sent to the Commission for record.

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

**Chandigarh  
13.12.2021**

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

