

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.

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Sh Ravipal Singh, (M:7528899222)
S/o Sh Kuldeep Singh,
GF SCO 50, New Sunny Enclave,
Backside-KFC, Sector-125,
Kharar, Distt –Mohali-140301

Vs

.....Appellant

Public Information Officer,
O/o MC, Kharar, Distt Mohali
First Appellate Authority,
O/o Deputy Director,
Deptt of Local Govt, Patiala

.....Respondent

AC.No. 2284 of 2019
alongwith
AC.No. 2283 of 2019
AC.No. 2281 of 2019
AC.No. 2282 of 2019
AC.No. 2280 of 2019

Present : (i) Sh. Ravipal Singh the appellant
(ii) For the respondent : Sh. Amit Kumar, AME alongwith Sh. Jaswinder Singh, Draftsmen

ORDER

This order may be read with reference to the previous order dated 24.09.2019.

2. The Respondent states that as directed by the Commission, remaining information has been provided to the Appellant.
3. The Appellant states that he has received the same and is satisfied with it.
4. Since, the information has been provided to the Appellant hence, no further cause of action is left. Therefore, the Appeal case filed by the Appellant is **disposed off and closed**. Copy of the orders be sent to the parties.

Sd/-

Chandigarh
Dated: 14.11.2019

(Preety Chawla)
State Information Commissioner

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Sh Rajesh Chander Sharma,(7009123630)
B-6/487, Kaundal Niwas,
Vikas Nagar, Nawanshaher

Vs

.....Appellant

Public Information Officer,
O/O PUNSUP, Nawanshaher
Remanded Back to
First Appellate Authority,
O/o PUNSUP, Jalandhar

.....Respondent

CC.No. 581 of 2019

Present : (i) Sh Rajesh Chander Sharma, Complainant.
(ii) For the Respondent: Sh Ashok Bhandari, Sr Auditor

ORDER

This order may be read with reference to the previous order dated 24.09.2019

2. The Respondent states that some more time is required to provide complete information to the appellant as their office premises has been shifted to some other place .
3. The complainant states that he has not received any information till date.
4. After going through the file, it is observed that this is the complaint case. The attention of the Complainant is drawn to the decision of the judgment of the Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos. Nos.10787 – 10788 of 2011 (arising out of SLP © 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 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).

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CC.No. 581 of 2019

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.

5. 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, 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.

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 Second Appeal before the Commission under Section 19(3) of the RTI Act, 2005.

7. In view of the above, the complaint case filed by the Complainant is disposed off and closed. Copy of the orders be sent to the parties **by registered post**.

Chandigarh
Dated:14.11.2019

Sd/-
(Preety Chawla)
State Information Commissioner

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Sh Ashok Kumar,
H.No 214, Pine Homes,
Dhakoli, Zirakpur-160104

.....Appellant

Vs

Public Information Officer,
O/o Commissioner, MC,
Patiala

First Appellate Authority,
O/o Commissioner, MC,
Patiala

.....Respondent

AC.No. 2234 of 2019

alongwith

AC.No. 2235 of 2019

- Present: (i) Sh Kabul Singh, Advocate and Sh Ramesh Kumar, Advocate on behalf of the Appellant
(ii) For the Respondent: Sh Gaurav Thakur, Building Inspector

ORDER

This order may be read with reference to the previous order 23.09.2019.

2. The Respondent states that the information sought by the Appellant is third-party information.
3. Sh. Kabul Singh, Advocate and Sh Ramesh kumar, Advocate are appearing on behalf of the Appellant with authority letter. They state that the information demanded by them is not third-party information, as the matter sought under their RTI relates to O/o MC, Patiala.
4. Hence, I order that the Appellant shall inspect the record in the office of the Respondent on **19.11.2019 at 11:00AM**, inspect the relevant records, identify the documents copies whereof are required by him; and the respondent shall provided copies thereof, according to his RTI, in accordance with the relevant provisions of the RTI Act, 2005.
5. To come up on **28.11.2019 at 11:00AM**. Copy of the orders be sent to the parties.

Sd/-

Chandigarh
Dated: 14.11.2019

(Preety Chawla)
State Information Commissioner

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Sh Tejinder Singh (Advocate),
R/o Village Bholapur, Post Office Ramgarh,
Chandigarh Road, Ludhiana-141123

Vs

.....Appellant

Public Information Officer,
O/o Food safety Officer,
Mohali

First Appellate Authority,
O/o Food safety Officer,
Mohali

.....Respondent

AC.No. 2276 of 2019

Present : None for the parties

ORDER

This order may be read with reference to the previous order dated 23.09.2019.

2. Today neither the Appellant nor the Respondent is present. However, an e-mail has been received from the Appellant stating that he shall not be able to attend the hearing today.

3. Hence, one opportunity is given to both the parties to appear before the Commission and state their case.

4. To come up on **08.01.2020 at 11:00 AM**. Copy of the orders be sent to the parties.

Sd/-

Chandigarh
Dated: 14.11.2019

(Preety Chawla)
State Information Commissioner

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Sh .Rajesh Kumar, S/o Shri Kirori Lal,
R/o Roop Nagar, Gidderbaha
Distt. Sri Mukatsar Sahib

Vs

.....Complainant

Public Information Officer,
O/o District Food Supply and Controller,
Gidderbaha, Distt. Sri Mukatsar Sahib

.....Respondent

CC No. 479 of 2019

alongwith

CC: No. 495 of 2019

_Present: (i) None for the complainant.
(ii) For the Respondent: Sh. Khushwant Singh, Inspector

ORDER

This order may be read with reference to the previous order dated 23.09.2019.

2. The Complainant is not present today.
3. The Respondent states that the complete information has been provided to the Complainant. He has also given in writing that the complete information has been provided to the Complainant and that there is nothing pending in this regard.
4. The perusal of the file shows that the information has been provided to the Complainant. The Complainant is not present today. He has not informed the Commission about his absence. He was not present on the previous date of hearing also. Hence, it is presumed that he is satisfied with the information provided. Hence, the Complaint Case filed by the Complainant is **disposed off and closed**. Copy of the orders be sent to the parties.

Sd/-

Chandigarh
Dated: 14.11.2019

(Preety Chawla)
State Information Commissioner