

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, NEAR ROSE GARDEN,

SECTOR 16, CHANDIGARH.

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

Visit us: - www.infocommpunjab.com



COMPLAINT CASE No. 0908 OF 2020

Ms. Majit Kaur D/o (9357271895)

Shri Bal Krishan

R/o BHADSON

Tehsil Nabha,

Distt. Patiala.

...Complainant

Versus

Public Information Officer,

O/o The Principal,

G. N. Girls College,

PATIALA.

...Respondent

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: Smt. Manjit Kaur, the complainant

None on behalf of the respondents.

ORDER:

This order may be read with reference to previous order dated 15-07-2021

2. The Complainant reiterates that the respondents have not supplied any information till date.
3. The Respondent is absent today. However, a letter from Principal, G.N.Girls College, Patiala is received in the Commission vide diary No.15724 dated 16.07.2021 stating in para 2 of the aforesaid letter that *"Moreover, I want to bring in your kind notice sir, that our institution is being run by a charitable trust and is not getting directly or indirectly any financial aid from the government or any government agency"*. The letter is taken on record.
4. The complainant is directed to send her instant RTI on the WhatsApp of the respondent today itself.
5. 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. 0908 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.

6. 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.

7. 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.

8. 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
15-09-2021

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

Copy for necessary compliance is forwarded alongwith copy of instant RTI by **Regd. Post** to :-

First Appellate Authority
O/o DPI(Colleges)
Vidya Bhawan,
PSEB Building, Phase 8,
SAS Nagar(Mohali)

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APPEAL CASE NO. 2085 OF 2020

Sh. Sandeep Kumar Maluja, (9646546613)
S/o Sh. Om Prakash,
R/o Street No. 2, Near Shani Dev Mandir,
Patel Nagar, **Malout**, Distt. Sri Mukatsar Sahib.

...Appellant

Versus

Public Information Officer,
O/o The Assistant Excise and Taxation Commissioner,
Excise & Taxation, Mobile Wing-2,
Bathinda.

First Appellate Authority

O/o The Assistant Excise and Taxation Commissioner,
Excise & Taxation, Mobile Wing-2,
Bathinda.

...Respondents

HEARD Through CISCO WEBEX

PRESENT None for the Appellant.
Sh. Bhupinderpal Singh Bhatia, ACST-cum-PIO on behalf of the Respondents.

ORDER

This order may be read with reference to the previous order dated 27.07.2021.

2. The respondent-PIO states that compensation of Rs.2000/- has been paid to the appellant vide DD No.270630 dated 08.09.2021 drawn on SBI, Malout on 08.09.2021. He further states that reply of show cause notice issued to him in this case has also already been submitted in the Commission.

3. The appellant is absent. However, he has been contacted over telephone who, in turn, acknowledged the receipt of compensation amount of Rs.2000/- vide aforesaid demand draft and has given his consent to close his instant case.

4. From the perusal of the case file it reveals that reply of show cause notice issued to the PIO has been received in the Commission. Considering his unconditional apology to the show cause notice, the same stands dropped.

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

Sd/-

Chandigarh
15-09-2021

(Hem Inder Singh)
State Information Commissioner

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APPEAL CASE NO. 3040 OF 2020

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

...Appellant

Versus

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

First Appellate Authority
O/o The Deputy Commissioner,
Mini Secretariat, Ferozepur Road,
Ludhiana.

...Respondents

HEARD THROUGH CISCO WEBEX/TELEPHONE

PRESENT None for the Applicant
Sh. Paramjit Singh, Superintendent-cum-PIO, on behalf of the Respondents.

ORDER

This case may be read with reference to the previous order dated 27-07-2021.

2. The Respondent-PIO states that pursuant to the Commission order of the previous date of hearing 27.07.2021, affidavit filed by the PIO has been furnished to the appellant vide their letter No.G-3/2021/RTI/2/4/2021274393 dated 12.08.2021 and copy sent to the Commission.

3. The appellant is absent today. However, the representative Advocate Smt. Sukhjinder Kaur of the appellant has confirmed the receipt of affidavit on telephone.

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

Sd/-

Chandigarh
15-09-2021

(Hem Inder Singh)
State Information Commissioner

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APPEAL CASE NO. 3288 OF 2020

Sh. Suresh Kumar Sharma (9855890233)

R/o New Sharma Furniture House,

Partap Bazar, CHHEHARTA,

Amritsar -143 105

...Appellant

Versus

Public Information Officer,

O/o Municipal Corporation,

Amritsar.

First Appellate Authority

O/o The Commissioner,

Municipal Corporation,

Amritsar.

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

Present

Sh. Suresh Kumar Sharma, the appellant

Smt. Kulwinder Kaur, Building Inspector, on behalf of the respondents

ORDER

This order may be read with reference to the previous order dated 15-07-2021.

2. The respondents orally states that demanded information has already been supplied to the appellant.
3. The appellant orally acknowledges the receipt of information and expresses his satisfaction for the same. He further requests the Commission to close his instant case.
4. The information stands supplied and no further cause of action is left. **Hence, the case is ordered to be disposed of and closed.** Copies of the order be sent to the parties.

Sd/-

Chandigarh

15-09-2021

(Hem Inder Singh)
State Information Commissioner

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APPEAL CASE NO. 3289 OF 2020

Sh. Suresh Kumar Sharma (9855890233)

R/o New Sharma Furniture House,

Partap Bazar, CHHEHARTA,

Amritsar -143 105

...Appellant

Versus

Public Information Officer,

O/o Municipal Corporation,

Amritsar.

First Appellate Authority

O/o The Commissioner,

Municipal Corporation,

Amritsar.

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

Present

Sh. Suresh Kumar Sharma, the appellant

Sh. Varinder Mohan, ATP, on behalf of the respondents

ORDER

This order may be read with reference to the previous order dated 15-07-2021.

2. The respondents orally states that information has already been supplied to the appellant vide their letter No.MTP/20 dated 27.11.2020. He further states that necessary affidavit duly attested by the public notary has also been furnished to the appellant on 31.08.2021,

3. The appellant orally acknowledges the receipt of information and affidavit supplied by the respondents. He expresses his satisfaction for the same. He further requests the Commission to close his instant case.

4. The information stands supplied and no further cause of action is left. **Hence, the case is ordered to be disposed of and closed.** Copies of the order be sent to the parties.

Sd/-

**Chandigarh
15-09-2021**

**(Hem Inder Singh)
State Information Commissioner**