

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

**Ph: 0172-2864116, Email: - psic26@punjabmail.gov.in
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Helpline No.: 0172-2864100 (From 10.00 AM to 04.00 PM on working days)**



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

.....Complainant

Versus

Public Information Officer
O/o Amritsar Development Authority
Amritsar.

Remanded Back

First Appellate Authority
O/o Amritsar Development Authority
Amritsar.

...Respondents

CC No.1250/2021

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

ORDER

1. The RTI application is dated 25.10.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 10.11.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 15.02.2021 in Commission's Office at Chandigarh. Accordingly, the case was scheduled to be heard today. Shri Rohit Malhotra, complainant has not come present to attend the hearing in person before the Bench or through cisco webex.
3. Neither the PIO O/o Amritsar Development Authority, Amritsar has come present nor he has deputed any of his representatives to attend the hearing in person nor any information has been supplied to the complainant.
4. 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 Civil Appeal Nos.10787-10788 of 2011 (arising out of SLP (C) No.32768-32769/2010- Chief 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.

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 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.

6. The instant matter is remanded back to the First Appellate Authority i.e. Shri 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.

7. 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.

8. In view of the above, **the case is disposed off and closed.** Copy of the order be sent to the parties.

**Chandigarh
15.02.2022**

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

Copy to (By Regd. Post):

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

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Shri Mangat Ram,
S/o Late Shri Meeta Ram,
R/o H.No.957, Street No.7,
Deep Nagar, Civil Lines,
Ludhiana-141006.

.....Appellant

Versus

Public Information Officer

O/o Sr. Executive Engineer,
West Division (Special),
Punjab State Power Corpn. Ltd.
(PSPCL), Ludhiana.

First Appellate Authority

O/o Sr. Executive Engineer,
West Division (Special),
Punjab State Power Corpn. Ltd.
(PSPCL), Ludhiana.

...Respondents

AC No.4909 of 2021

Present: (i) **Shri Akshay Rana, Advocate on behalf of the Appellant**
(ii) **Shri Rajesh Kumar, Sr.XEN, and Shri Shiv Kumar, SDO, City West, PSPCL, Ludhiana, on behalf of the PIO/Respondent**

ORDER

1. The RTI application is dated 09.07.2021 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 03.09.2021 and the second appeal was filed in the Commission on 27.10.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 15.02.2022 in Commission's office at Chandigarh. Accordingly, the case has been heard today. Shri Akshay Rana, Advocate comes present to attend the hearing in person before the Bench on behalf of Shri Mangat Ram, appellant. He states that the appellant has sought information regarding the deposit of Rs.744/- by consumer of Electricity AP Connection Account No.73/755, electricity meter of which was removed being burnt/defective.
3. Shri Rajesh Kumar, Sr.XEN/PIO, City West, PSPCL, Ludhiana along with Shri Shiv Kumar, SDO comes present in person to attend the hearing on behalf of the PIO. He states that the information has been supplied to the appellant vide letter 04.02.2022 and then vide letter dated 14.02.2022 which has been received by the appellant by hand on 14.02.2022. He also states that no application from the consumer during

that period regarding burnt meter is available and no meter was changed and that the charges deposited do not belong to the burnt meter. He also states that no electricity charges are levied in case of Agricultural power connection. He also produces before the Bench copy of letter dated 14.02.2022 which is taken on record.

4. On the asking of the Bench, the PIO also shows the letter dated 14.02.2022 to the representative of appellant who, on perusal of the same, expresses his dis-satisfaction over the information supplied as he alleges that the charges have been levied on the appellant for theft of electricity.

5. Post deliberations, the Bench 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 reply to the appellant in AC No.4909 /2021 has been given to the appellant. Further, the position in this regard as stated before the Bench as per para-3 above, be also incorporated therein. 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 photocopy 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
15.02.2022**

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

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Shri Lakhwinder Singh,
R/o # Dalima Vihar,
Rajpura, Distt. Patiala.

...Appellant

Versus

Public Information Officer
O/o Deputy Chief Engineer,
Enforcement, PSPCL, Patiala.

First Appellate Authority-cum-
Chief Engineer, Enforcement,
PSPCL, Patiala.

....Respondents

AC No.4986 of 2021

Present: (i) **Shri Lakhwinder Singh, Appellant, in person.**
(ii) **Shri Raghbir Singh, AAE, Enforcement, PSPCL, Sangrur and &
Shri Darshan Singh, AAE, Enforcement, PSPCL, Lehragaga(Sangrur),
on behalf of the PIO/respondent, in person.**

ORDER:

1. The RTI application is dated 09.11.2020 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 19.04.2021 and the second appeal was filed in the Commission on 29.10.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The notice of hearing was issued to the parties for 15.02.2022 in Commission's office at Chandigarh. Accordingly, the case has been heard today. Shri Lakhwinder Singh, appellant comes present to attend the hearing in person before the Bench.

3. Shri Raghbir Singh, AAE, PSPCL, Sangrur along with Shri Darshan Singh, AAE, PSPCL, Lehragaga comes present to attend the hearing in person on behalf of the PIO. He refers to letter dated 17.01.2022 sent to the Commission by Addl.SE, Enforcement, PSPCL, Sangrur and states that the appellant has been supplied information on points No.1, 2,4, 5 & 6 vide letter dated 05.01.2021 and 19.02.2021. He further states that as regards information on Point No.3, the appellant has sought copies of statements recorded during the enquiry conducted against him. The statements of the appellant and another officer have been provided to the appellant and with regard to other witnesses in the enquiry, the consent of those officials was sought who refused to share the information/statements made by them. The appellant has also been informed in this regard by First Appellate Authority-cum-Chief Engineer, EA & Enforcement, PSPCL, Patiala that the information, being not covered u/s 08, 09, 11 & 24 of RTI Act, cannot be provided.

Cont...P-2



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AC No.4986/2021

4. On the asking of the Bench, the appellant admits the receipt of information on points No.1, 2, 4, 5 & 6 and expresses his dis-satisfaction with regard to information on point No.3.

5. Post deliberations, the Bench does not agree with the contention put forth on behalf of the PIO to the effect that the copies of statements of witnesses cannot be provided under the RTI Act and makes it clear to the representatives of PIO that the said statements cannot be denied to the appellant as his personal and professional reputation are under question. As such, on the asking of the Bench, the representative of PIO shows the necessary documents to the appellant by sitting in the adjacent court room and then, after perusing the said documents by the appellant, the same are handed over to him. The appellant then expresses his satisfaction over the information given and gives his consent to close the case.

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

Chandigarh
15.02.2022

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

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Shri Karnail Singh, AAE(Retd.),
R/o H.No.2463, Street No.7, Sewakpura,
Backside Kalsia Wala Dera,
Gill Chowk, Ludhiana-141003.

...Appellant

Versus

Public Information Officer
O/o Deputy Chief Engineer,
PSPCL, Ludhiana.

First Appellate Authority-cum-
Chief Engineer, Central Zone,
PSPCL, Ludhiana.

....Respondents

AC No.5184 of 2021

Present: (i) **Shri Karnail Singh, Appellant.**
(ii) **Shri Kesar Singh, AAE, Sub Division, PSPCL, Lakha, Distt. Ludhiana,**
on behalf of the PIO/respondent.

ORDER:

(Heard in person/through cisco webex)

1. The RTI application is dated 11.08.2020 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 21.09.2021 and the second appeal was filed in the Commission on 16.11.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 15.02.2022 in Commission's office at Chandigarh. Accordingly, the case has been heard today. Shri Karnail Singh, appellant comes present to attend the hearing through cisco webex.
3. Shri Kesar Singh, AAE, Sub Division, PSPCL, Lakha, District Ludhiana comes present to attend the hearing on behalf of the PIO in person. He states that the appellant has been supplied information vide letter dated 21.09.2021 and also produces a copy of the information before the Bench.
4. On the asking of the Bench, Shri Karnail Singh, appellant expresses his dis-satisfaction over the information supplied and states that he has sought copy of rules/regulations vide which estimate to deload the illegal 25 KV transformer was approved. On enquiring from the representative of PIO Shri Kesar Singh, he states that there no such rules/regulations available in this regard. The appellant is clarified that the information as is available in the official records, only can be given.



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AC No.5184/2021

5. Post deliberations, the Bench directs the PIO to call the appellant to office once again and allow him access to all the relevant official records. The appellant, on inspection of records, will identify the information and the PIO will provide him the additional information so identified by the appellant.

6. After supplying the information, the PIO is directed to file separate affidavits within 21 (twenty one) days on non judicial stamp paper 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.5184 of 2021 has been supplied to the appellant. It be further stated that nothing has been concealed therein and the statement made is true and correct. The original affidavit be sent to the appellant and photocopy of the same be sent to the Commission for record.

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

**Chandigarh
15.02.2022**

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

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Shri Balwinder Singh, JE(Retd.),
Village Nurpura, PO Halwara,
Tehsil Raikot, Distt., Ludhiana-141107.

...Appellant

Versus

Public Information Officer

O/o Assistant Engineer,
Distribution, Sub Division,
PSPCL, Sudhar, Distt. Ludhiana.

First Appellate Authority,

O/o Chief Engineer, Central Zone,
PSPCL, Ludhiana.

....Respondents

AC No.5181 of 2021

Present: (i) **Shri Balwinder Singh, Appellant, in person.**
(ii) **Shri Jasjit Singh, Assistant Engineer, Operation Sub Division, PSPCL, Sudhar, District Ludhiana, in person on behalf of the PIO/respondent.**

ORDER:

1. The RTI application is dated 12.01.2021 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 02.06.2021 and the second appeal was filed in the Commission on 16.11.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 15.02.2022 in Commission's office at Chandigarh. Accordingly, the case has been heard today. Shri Balwinder Singh, appellant comes present to attend the hearing in person before the Bench.
3. Shri Jasjit Singh, Assistant Engineer, Operation Sub Division, PSPCL, Sudhar, District Ludhiana, comes present to attend the hearing on behalf of the PIO in person. He states that the appellant had sought the documents/ his personal belongings lying in a locked almirah in the office, the room of which was also lying locked. He further states that the lock of room was opened and then the almirah was also unlocked in the presence of appellant. Then, the entire documents/ belongings of the appellant were handed over to him and an attested list of the same was also given to the appellant.

Cont..P-2



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AC No.5181/2021

4. On the asking of the Bench, the appellant confirms the receipt of documents/ his belongings as recovered from the locked almirah and expresses his satisfaction in this regard. He also gives his consent to close the appeal case.

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
15.02.2022**

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