

**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.0172-2864116(From 10.00 AM to 04.00PM on working days))**

Shri Kala Singh
S/o Shri Amar Singh,
R/o Village Lang, PO Lang,
Tehsil & District Patiala.

.....Appellant

Versus

Public Information Officer
O/o Sub Divisional Officer,
Sub Division, PSPCL, Kalyan,
District Patiala.

First Appellate Authority,
O/o Executive Engineer,
East Division, PSPCL,
Patiala.

...Respondents

AC No.1463/2021

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

ORDER

1. This order may be read with reference to the order dated 04.01.2022 passed by this Bench on the previous hearing.
2. The case was scheduled to be heard today in Commission's office at Chandigarh. Shri Kala Singh, appellant has not come present to attend the hearing either in person or through cisco webex.
3. The PIO has also not come present to attend the hearing nor he has deputed any of his representatives to attend the hearing in person or through cisco webex. Shri Sukhwinder Singh, Clerk O/o SDO PSPCL, Kalyan, District Patiala, who had attended the hearing on 13.07.2021, is contacted on mobile phone. He, however, is unable to recollect the facts of the case and states that he had attended the hearing on behalf of another official of the Sub Division, PSPCL, Kalayan.
4. The Bench observes that this is the fourth consecutive hearing and the appellant Shri Kala Singh, has not attended even a single hearing. The Bench makes efforts to contact the appellant on mobile phone and on enquiring from him about today's hearing, he expresses ignorance about the same.

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AC No.1463/2021

5. From the above, the Bench observes that the appellant is not interested in pursuing the appeal case and it is futile to continue proceeding with this appeal case in the absence of the appellant as well as the PIO as the same will amount to wastage of the time of the Commission.

6. In view of the above, **the instant appeal case is disposed off and closed.** Copies of the order be sent to the concerned parties.

**Chandigarh
16.03.2022**

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

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Shri Gaganpreet Singh, Advocate
Chamber No.8039, 8th Floor,
New Court Complex, Part-II,
Ludhiana.

...Appellant

Versus

Public Information Officer

O/o Addl. S.E./Sr.XEN.
PSPCL Division West, Ludhiana.

First Appellate Authority

O/o Addl. S.E./Sr.XEN.
PSPCL Division West, Ludhiana.

..Respondent

AC No.2913/2021

Present:

- (i) Appellant- absent.
- (ii) Shri Rajesh Kumar, Sr.XEN, Sub Division City West, PSPCL, Ludhiana on behalf of the PIO/Respondent.

ORDER:

(Heard in person/on mobile phone)

1. This order may be read with reference to the order dated 04.01.2022 passed by this Bench on the previous hearing.
2. The case has been heard today in Commission's office at Chandigarh. Shri Gaganpreet Singh, appellant has not come present to attend the hearing either in person or through cisco webex.
3. Shri Rajesh Kumar, Sr. XEN, Sub Division, City West, PSPCL, Ludhiana comes present to attend the hearing in person before the Bench. He states that he has recently joined and his predecessor had denied information to the appellant on the plea of third party information. Thereafter, as per directions of the Hon'ble Bench, he has made efforts to provide information to the appellant for which the appellant was called to his office and he was shown all the relevant records. Then, information comprising 627 pages has been prepared and attempts were made to contact the appellant as also to hand over information in his Chamber as the appellant is an Advocate, but he could not be contacted. As such, he has brought along the said information with him. He also produces before the Bench reply dated 08.03.2022 to the show cause notice.

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AC No.2913/2021

4. To ascertain the position in this regard, the appellant is contacted on mobile phone. He is made to talk to the PIO, who explains to him the details of information brought along by him. Then, on enquiring by the Bench from him, he states that he would collect the information from the PIO and also gives his consent to close the case.

5. In view of the reply submitted by the PIO to the show cause notice issued on the previous hearing, the same is hereby dropped.

6. 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
16.03.2022**

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

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Shri Ravinder Walia,
Kothi No.279, Phase-6
S.A.S. Nagar(Mohali).

.....Appellant

Versus

Public Information Officer

O/o Chief Administrator,
Greater Ludhiana Area Development,
Authority (GLADA), Ludhiana.

Public Information Officer/

Law Officer
Greater Ludhiana Area
Development Authority (GLADA)
Ludhiana.

First Appellate Authority

O/o Chief Administrator,
Greater Ludhiana Area Development,
Authority (GLADA), Ludhiana.

....Respondents

AC No.3851 of 2020

Present:

- (i) **Shri Ravinder Walia, Appellant.**
- (ii) **Shri Hirdaypal Singh, Assistant Estate Officer and Rajesh Kumar, Senior Assistant, GLADA, Ludhiana on behalf of the PIO/Respondent.**

ORDER:

1. This order may be read with reference to the order dated 04.01.2022 passed by this Bench on the previous date of hearing.
2. The case has been heard today in Commission's office at Chandigarh. Shri Ravinder Walia, appellant comes present to attend the hearing in person before the Bench.
3. Shri Hirdaypal Singh, Assistant Estate Officer and Rajesh Kumar, Senior Assistant, GLADA, Ludhiana come present in person before the Bench to attend the hearing on behalf of the PIO/Respondent. They state that the information has been supplied to the appellant and an affidavit to this effect has also been provided to the appellant.
4. On the asking of the Bench, the appellant confirms the receipt of information as well as the affidavit and also gives his consent to close the case.

Cont..P-2



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AC No.3851/2020

6. 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
16.03.2022**

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

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Shri Dilbagh Chand,
S/o Shri Ramji Dass,
Village Hiyatpur, PO Habowal
Tehsil Samrala, Distt.Ludhiana.

.....Appellant

Versus

Public Information Officer

O/o Financial Commissioner,
Rural Development & Panchayat Deptt.,
Sector-62, Mohali.

First Appellate Authority

O/o Financial Commissioner,
Rural Development & Panchayat Deptt.,
Sector-62, Mohali.

...Respondents

AC No.4827/2021

Present:

- (i) Shri Dilbagh Chand, Appellant.
- (ii) Shri Baljit Singh, Senior Assistant,RD-1 Branch O/o Financial Commissioner, Rural Development & Panchayats, Punjab, Punjab Civil Secretairat-2, Chandigarh on behalf of the PIO/respondent.

ORDER

(Heard through Cisco Webex)

1. This order may be read with reference to the order dated 04.01.2022 passed by this Bench on the previous hearing.
2. The case has been heard today in Commission's office at Chandigarh. Shri Dilbagh Chand, appellant comes present to attend the hearing through cisco webex.
3. Shri Baljit Singh, Senior Assistant,RD-1 Branch O/o Financial Commissioner, Rural Development & Panchayats, Punjab, Punjab Civil Secretairat-2, Chandigarh comes present to attend the hearing through cisco webex on behalf of the PIO/respondent. He states that the information has been sent to the appellant on 31.12.2021 by registered post, giving reply with regard to each letter mentioned by the appellant in his RTI application in an annotated form, copy of which was also sent to the Hon'ble Commission. He also states that with regard to information on letter dated 03.12.2020, the appellant had filed Appeal Case No.2263 of 2019, which, after making the information available

Cont...P-2



-2-

AC No.4827/2021

to the appellant, was disposed off by Hon'ble State Information Commissioner Shri Anumit Singh Sodhi. He further states that in spite of various letters/reminders, the enquiry report from ADC (D), Ludhiana is still awaited. He also states to have sent the information on WhatsApp of appellant.

4. On the asking of the Bench, the appellant denies the receipt of information even on his WhatsApp number and that he is not satisfied with the reply as given by representative of PIO. He is apprised that copy of the said information is available in the relevant case file and the same will be sent to him along with the order.

5. Post deliberations, the PIO is now directed to file an affidavit, within 21 (twenty one) days on non judicial stamp paper duly signed by the PIO and attested by the Notary Public stating therein that the information as available in the official records in AC No.4827 of 2021 has been supplied to the appellant vide letter dated 31.12.2021 by registered post and has also been sent on his WhatsApp number. It be further stated that nothing beyond the information supplied is available in the records and that the statement made is true and correct. The original affidavit be sent to the appellant and copy 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
16.03.2022**

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

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Shri Ramesh Kumar,
S/o Shri Sukhdev Singh,
Village Bullan, Tehsil Munak,
District Sangrur.

.....Appellant

Versus

Public Information Officer

O/o Rural Development & Panchayat Deptt.,
Sector-62, Mohali.

First Appellate Authority

O/o Rural Development & Panchayat Deptt.,
Sector-62, Mohali.

...Respondents

AC No.4829/2021

Present:

- (i) Appellant- absent.
- (ii) Shri Baldev Singh, Senior Assistant O/o Director, Rural Development & Panchayat Department, Punjab, Mohali, in person.
- (iii) Smt. Paramjit Kaur, Superintendent O/o BDPO Anndana at Moonak, District Sangrur, on behalf of the PIO/respondent, through cisco webex.

ORDER

(Heard in person /through Cisco Webex)

1. This order may be read with reference to the order dated 04.01.2022 passed by this Bench on the previous hearing.
2. The case has been heard today in Commission's office at Chandigarh. Shri Ramesh Kumar, appellant has not come present to attend the hearing either in person or through cisco webex.
3. Shri Baldev Singh, Senior Assistant O/o Rural Development & Panchayats, Punjab, Mohali has come present to attend the hearing in person before the Bench and produces before the Bench letter dated 15.03.2022 giving reply to the show cause notice and further stating that reply to point No.1 was supplied to the appellant and for the information on remaining points, the RTI application was transferred to DDPO Sangrur.
4. Smt. Paramjit Kaur, Superintendent O/o Block Development & Panchayat Officer, Anndana at Moonak comes present and states that the information has been supplied to the appellant who has given in writing, stating that he has received information to his satisfaction and has also given his consent to close the case.

Cont..P-2



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AC No.4829/2021

5. On perusal of the case file, the Bench finds that the appellant has acknowledged receipt of information which has been sent vide BDPO's letter dated 14.03.2022 and has also given his consent to close the case.

6. The Bench observes that the PIO O/o Director, Rural Development & Panchayat, Punjab, Mohali and PIO O/o BDPO Anndana at Moonak have filed reply to show cause notice vide letters dated 15.03.2022 and 14.03.2022 and as such, the show cause notice is hereby dropped.

7. 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
16.03.2022**

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

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Shri Ramesh Kumar,
S/o Shri Sukhdev Singh,
Village Bullan, Tehsil Munak,
District Sangrur.

.....Appellant

Versus

Public Information Officer

O/o Block Development & Panchayat
Officer (BDPO), Anandana at Munak,
District Sangrur.

First Appellate Authority

O/o District Development & Panchayat
Officer (DDPO), Sangrur.

...Respondents

AC No.4833/2021

Present:

- (i) Appellant- absent.
- (ii) Smt. Paramjit Kaur, Superintendent O/o BDPO Anndana at Moonak, District Sangrur, on behalf of the PIO/respondent, through cisco webex.

ORDER

(Heard through Cisco Webex)

1. This order may be read with reference to the order dated 04.01.2022 passed by this Bench on the previous hearing.
2. The case has been heard today in Commission's office at Chandigarh. Shri Ramesh Kumar, appellant has not come present to attend the hearing either in person or through cisco webex.
3. Smt. Paramjit Kaur, Superintendent O/o Block Development & Panchayat Officer, Anndana at Moonak comes present and states that the information has been supplied to the appellant who has given in writing, stating that he has received information to his satisfaction and has also given his consent to close the case.
4. On perusal of the case file, the Bench finds that the appellant has acknowledged receipt of information which has been sent vide BDPO's letter dated 14.03.2022 and has also given his consent to close the case.
5. The Bench observes that the PIO O/o O/o BDPO Anndana at Moonak has filed reply to show cause notice vide letter dated 14.03.2022 and as such, the show cause notice is hereby dropped.

Cont..P-2



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AC No.4833/2021

6. 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
16.03.2022**

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

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Shri Gurdev Singh,
S/o Shri Pooran Singh
R/o Village Jamalpur,
Tehsil Baba Bakala Sahib,
District Amritsar.

.....Complainant

Versus

Public Information Officer

O/o Executive Engineer(Operational),
Punjab State Power Corporation Ltd.,
Rayya Division, Beas,
District Amritsar.

Remanded Back

First Appellate Authority

O/o Chief Engineer, Border Zone,
Punjab State Power Corporation Ltd.,
Amritsar.

...Respondents

CC No.06/2022

Present:

- (i) **Shri Gurdev Singh, Complainant, in person.**
- (ii) **Shri Kasturi Lal, SDO, Sub Division, PSPCL, Baba Bakala, Rayya Division at Beas, District Amritsar behalf of PIO/Respondent.**

ORDER

1. The RTI application is dated 30.07.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 20.12.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 16.03.2022 in Commission's Office at Chandigarh. Accordingly, the case was scheduled to be heard today. Shri Gurdev Singh, complainant comes present to attend the hearing in person before the Bench and states that the information asked for by him has not been supplied to him.
3. Shri Kasturi Lal, SDO O/o Executive Engineer(Operational), Sub Division, Baba Bakala, Division Rayya at Beas, Punjab State Power Corporation Ltd., District Amritsar has come present through cisco webex. However, due to technical glitch in audio of cisco webex, his version cannot be heard.
4. After hearing the version of appellant, the Bench observes that the complainant is aggrieved by the action of SDO concerned and he has, in fact, sought redressal, rather than information.
5. 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

Cont..P-2



-2-

CC No.06/2022

to the decision of the judgment of Hon'ble Supreme Court of India rendered on 12.12.2011 in 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.

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.

7. The instant matter is remanded back to the First Appellate Authority i.e. **Shri Sakattar Singh Dhillon, Chief Engineer, Border Zone, PSPCL, 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.

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.

SD/-

**Chandigarh
16.03.2022**

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

Copy to (By Regd. Post)

First Appellate Authority, Sh. Sakattar Singh Dhillon, Chief Engineer, Border Zone, PSPCL, Amritsar.

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Shri Sohan Singh,
S/o Shri Sucha Singh
R/o Village Bara, PO Pathreri Jatta
Tehsil & District Roopnagar.

.....Complainant

Versus

Public Information Officer

O/o Sub Divisional Officer,
Sub Division, Sukhrampur,
PSPCL, Roopnagar.

Remanded Back

First Appellate Authority

O/o Chief Engineer, South, Punjab
State Power Corporation Ltd., Patiala.

...Respondents

CC No.11/2022

Present:

- (i) **Shri Sohan Singh, Complainant in person.**
- (ii) **Shri Sameer Bharti, SDO and Shri Sukhdev Singh, Sub Divisional Clerk O/o Sub Division, PSPCL, Sukhrampur, District Ropar on behalf of PIO/Respondent, in person.**

ORDER

1. The RTI application is dated 11.05.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 20.12.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 16.03.2022 in Commission's Office at Chandigarh. Accordingly, the case was scheduled to be heard today. Shri Sohan Singh, complainant comes present to attend the hearing in person before the Bench.
3. Shri Sameer Bharti, SDO and Shri Sukhdev Singh, Sub Divisional Clerk O/o Sub Division, Punjab State Power Corporation Ltd., Sukhrampur, District Ropar come present to attend the hearing in person before the Bench. They state that the information asked for by the complainant is third party information and thus, has not been supplied to him.
4. The complainant Shri Sohan Singh, on the asking of the Bench, states that he is working in PSPCL as SSA and has sought information regarding various tubewell connections allotted in Village Bara as he has been placed under suspension on the plea of having been allotted a tubewell connection through wrong submissions, whereas similar tubewell connections have also been allotted by PSPCL in the same village. After hearing his version, the Bench observes that the complainant is aggrieved by the action of officials concerned of PSPCL rather than the information required by him.
5. 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

Cont..P-2



-2-

CC No.11/2022

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.

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.

7. The instant matter is remanded back to the **First Appellate Authority i.e. Shri Sandeep Gupta , Chief Engineer, South Zone, PSPCL, 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
16.03.2022**

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

Copy to (By Regd. Post):

First Appellate Authority, Sh. Sandeep Gupta, Chief Engineer, South Zone, PSPCL, Patiala.