

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

Ph: 0172-2864116, Email: - psic26@punjabmail.gov.in

Visit us: - www.infocommpunjab.com, Cisco Webex Code:15857-23975

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



Shri Bishan Singh,
S/o Shri Amar Singh,
Village & P.O. Bariana,
Tehsil & Distt. Hoshiarpur.

.....Complainant

Versus

Public Information Officer

O/o Chairman,
Punjab State Power Corporation Ltd.
(PSPCL), Patiala.

Remanded Back

First Appellate Authority

O/o Dy.Chief Engineer/HQs
(North Zone),Punjab State Power
Corporation Ltd.,(PSPCL),Jalandhar.

...Respondents

CC No.993/2021

Present:

- (i) **Shri Bishan Singh, Complainant, in person .**
- (ii) **Shri Kuldeep Singh, Addl. S.E., PSPCL, City Division, Hoshiarpur,in person.**

ORDER

1. The RTI application is dated 19.04.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 02.08.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 16.11.2021 in Commission's Office at Chandigarh. Accordingly, the case has been heard today. Shri Bishan Singh, complainant comes present to attend the hearing in person before the Bench.
3. Shri Kuldeep Singh, Addl.S.E., PSPCL,City Division, Hoshiarpur also comes present to attend the hearing in person. He states that information has been supplied to the complainant by registered post on 20.07.2021. On the asking of the Bench, the complainant denies receipt of information. He states that he has been harassed by the official of PSPCL and he is suffering loss on account of damage to his crops in the absence of non-supply of power against the Power Connection applied for by him by depositing Rs.29664/-.
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 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.

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. 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.

6. The instant matter is remanded back to the First Appellate Authority i.e. Shri Jaininder Kumar Dhanial, **Chief Engineer, North Zone, PSPCL, Jalandhar**. 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
16.11.2021**

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

Copy to (By Regd. Post):

First Appellate Authority

Shri Jaininder Kumar Dhanial, Chief Engineer, North Zone,
Punjab State Power Corporation Ltd., (PSPCL), Jalandhar.

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Shri Mohan Lal,
S/o Shri Raj Kumar
R/o 175, Military Hospital,
Cantt. Abohar,
District Fazilka.

.....Appellant

Versus

Public Information Officer
O/o Municipal Corporation,
Abohar, District Fazilka.

First Appellate Authority-cum-
Deputy Director,
Local Government,
Ferozepur.

....Respondents

AC No.3498 of 2021

Present: (i) **Appellant- absent.**
(ii) **Shri Ramesh Sharma, Clerk, Municipal Corporation, Abohar
on behalf of PIO/Respondent, in person.**

ORDER

(Heard in person/on mobile phone)

1. The RTI application is dated 26.02.2021 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 19.04.2021 and the second appeal was filed in the Commission on 03.08.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 16.11.2021 in Commission's office at Chandigarh. Accordingly, the case has been heard today. Shri Mohan Lal, appellant has not come present to attend the hearing in person before the Bench.
3. Shri Ramesh Sharma, Clerk, Municipal Corporation, Abohar comes present to attend the hearing in person. He states that the information has been supplied to the appellant vide letter dated 18.06.2021.
4. Shri Mohan Lal, appellant is contacted on mobile phone. He states that the information supplied to him is incomplete. Then, he is made to talk to the representative of PIO who clarifies to the appellant that the information, as available in the official records, has been provided to him.

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AC No.3498/2021

5. On the asking of the Bench, the appellant expresses his satisfaction over the information supplied 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 appeal case is disposed off and closed.** Copies of the order be sent to the concerned parties.

Chandigarh
16.11.2021

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

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Shri Chanderdeep Maggu, Advocate
District Court Complex,
Chamber No.172, Block-C,
New Judicial Complex, Fazilka.

.....Appellant

Versus

Public Information Officer
O/o Executive Officer,
Municipal Council, Fazilka.

First Appellate Authority
O/o Regional Deputy Director,
Local Bodies, Ferozepur.

....Respondents

AC No.2676 of 2021

Present: (i) **Appellant- absent.**
(ii) **Shri Prem Kumar, Clerk and Shri Hans Raj, Building Inspector,
M.C., Fazilka, in person 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 23.08.2021 passed by this Bench on the previous hearing.
2. The the case has been heard today in Commission's office at Chandigarh. Shri Chanderdeep Maggu, appellant has not come present to attend the hearing in person before the Bench.
3. Shri Prem Kumar, Clerk and Shri Hans Raj, Building Inspector, M.C., Fazilka, come present in person to attend the hearing on behalf of the PIO/Respondent.
4. The representatives of PIO O/o Executive Officer, Municipal Council, Fazilka Shri Hans Raj, Building Inspector and Shri Prem Kumar, Clerk state that the requisite information has been supplied to the appellant vide letter dated 25.10.2021 by registered post after removing the deficiencies pointed out by the appellant and further state that reply to the show cause notice has been filed vide letter dated 11.11.2021.
5. The appellant is contacted on mobile phone. He confirms the receipt of information to his satisfaction 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 appeal case is disposed off and closed.** Copies of the order be sent to the concerned parties.

**Chandigarh
16.11.2021**

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

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Shri Satnam Singh,
S/o Shri Jangir Singh,
R/o Basti Keran Wali,
Village Chak Tahli Wala,
PO Ghubaya, Tehsil Jalalabad,
District Fazilka.

..... Appellant

Versus

Public Information Officer
O/o Sr. Supdt. Of Police,
Fazilka.

First Appellate Authority
Inspector General of Police,
Ferozepur Range,
Ferozepur Cantt.

... Respondents

AC No.2582 of 2021

Present: (i) Appellant- absent.
(ii) Shri Satpal Chand, ASI, RTI Cell, O/o SSP Fazilka
on behalf of the PIO/ Respondent.

ORDER

(Heard through Cisco Webex/On mobile phone)

1. This order may be read with reference to the order dated 28.09.2021 passed by this Bench on the previous hearing.
2. The case has been heard today in Commission's office at Chandigarh. Shri Satnam Singh, appellant has not come present to attend the hearing through cisco webex.
3. Shri Satpal Chand, ASI, RTI Cell, O/o SSP Fazilka, comes present to attend the hearing through cisco webex on behalf of the PIO. He states that in pursuance of the application received from the appellant dated 01.10.2021, he has been provided the related information, as available in the official records, in compliance with the orders of Hon'ble Bench.
4. Shri Satnam Singh, appellant is contacted on mobile phone. He states that he is present in D.C. Office, Fazilka. He is apprised that he was required to attend the hearing through cisco webex. He is apprised of the version of the representative of PIO. He states that he is not satisfied with the information supplied and still insists that the information is not in conformity with his RTI application.
5. After hearing the version of the representative of PIO as also going through the case file and the information supplied, the Bench is convinced that the appellant has been supplied information adequately.

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AC No.2582/2021

However, the Bench directs the PIO to file an affidavit on non-judicial stamp paper, within one month, 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.2582 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. 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 appeal case is disposed off and closed.** Copies of the order be sent to the concerned parties.

**Chandigarh
16.11.2021**

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