

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100
Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com



Sh. Balwinder Singh,
#292, Panchyat Gali,
Tibri Road, Gurdaspur

-----Complainant

Vs

Public Information Officer,
o/o Excise Officer, Kapurthala.

Sh. Pawanjeet Singh, A.C.E.
First Appellate Authority,
o/o Assistant Commissioner Excise, Kapurthala.

Respondents

Complaint Case No. 190 of 2022
(Video Conference Proceedings)

Present: Sh. Balwinder Singh, complainant.
Sh. Harpreet Singh behalf of respondent.

Order

The RTI Application is dated 10.2.2022 vide which the complainant has sought information as enumerated in his RTI Application. Complaint was filed in the Commission on 7.4.2022 under Section 18 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today i.e. 20.6.2022.

2. The appellant states that he has not been provided the complete information by the Public Information Officer. He has requested the Commission to provide him the sought information from the PIO.

3. The representative of the respondent states he has sent the information to the Commission through email dated 17.6.2022 with the information attached to it. The email sent by the PIO is taken on record. The representative of the respondent further submits that the appellant has not exhausted the channel of First Appellate Authority for getting the information, but he has directly filed complaint with the Commission.

4. It is appropriate to mention that Hon'ble Supreme Court of India in its order rendered on 12.12.2011 in Civil Appeal Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010) has held that while entertaining a complaint 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. 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. Since the complainant is interested in getting the information, therefore, the matter is remanded back to Sh. Pawanjeet Singh Assistant Commissioner Excise cum Appellate Authority to take appropriate decision in accordance with the provisions of the RTI Act within the prescribed timeline, after giving opportunity of hearing to all concerned by passing a speaking order. A copy of this complaint filed by the complainant is also **being sent** to the First Appellate Authority along with this order with the directions to treat the same as first appeal.

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5. With these directions the case is disposed of and closed. However, the liberty is granted to the complainant to file the 2nd appeal in this case, if he is not satisfied with the decision of the First Appellate Authority.

sd

Dated 20.6.2022

@s

Suresh Arora

Chief information Commissioner, Punjab.

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Sh. Balwinder Singh,
#292, Panchyat Gali,
Tibri Road, Gurdaspur

-----Complainant

Vs

Public Information Officer,
o/o Excise Officer, Amritsar -III

Sh. Hanumant Singh, A.C.E.
First Appellate Authority,
o/o Assistant Commissioner Excise Amritsar III.

----- Respondents

Complaint Case No. 192 of 2022
(Video Conference Proceedings)

Present: Sh. Balwinder Singh, complainant.
Sh. Amninder Singh, Excise Inspector on behalf of respondent.

Order

The RTI Application is dated 12.2.2022 vide which the complainant has sought information as enumerated in his RTI Application. Complaint was filed in the Commission on 7.4.2022 under Section 18 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today i.e. 20.6.2022.

2. The appellant states that he has not been provided the information by the Public Information Officer. The appellant has requested the Commission to provide him the sought information from the PIO.

3.. It is appropriate to mention that Hon'ble Supreme Court of India in its order rendered on 12.12.2011 in Civil Appeal Nos.10787 – 10788 of 2011 (arising out of SLP @ No.32768-32769/2010) has held that while entertaining a complaint 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. 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. Since the complainant is interested in getting the information, therefore, the matter is remanded back to **Sh. Hanumant Singh** Assistant Commissioner Excise cum Appellate Authority to take appropriate decision in accordance with the provisions of the RTI Act within the prescribed timeline, after giving opportunity of hearing to all concerned by passing a speaking order. A copy of this complaint filed by the complainant is also **being sent** to the First Appellate Authority along with this order with the directions to treat the same as first appeal.

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4. With these directions the case is disposed of and closed. However, the liberty is granted to the complainant to file the 2nd appeal in this case, if he is not satisfied with the decision of the First Appellate Authority.

Dated 20.6.2022
@s

Suresh Arora
Chief information Commissioner, Punjab.

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Sh. Balwinder Singh,
#292, Panchyat Gali,
Tibri Road, Gurdaspur

-----Complainant

Vs

Public Information Officer,
o/o Excise Officer, Amritsar -II

Sh. Hanumant Singh, A.C.E.
First Appellate Authority,
o/o Assistant Commissioner Excise,
Amritsar II.

----- Respondents

Complaint Case No. 193 of 2022
(Video Conference Proceedings)

Present: Sh. Balwinder Singh, complainant.
Sh. Avtar Singh, Excise Inspector on behalf of respondent.

Order

The RTI Application is dated 12.2.2022 vide which the complainant has sought information as enumerated in his RTI Application. Complaint was filed in the Commission on 7.4.2022 under Section 18 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today i.e. 20.6.2022.

2. The appellant states that he has not been provided the information by the Public Information Officer. The appellant has requested the Commission to provide him the sought information from the PIO.

3.. It is appropriate to mention that Hon'ble Supreme Court of India in its order rendered on 12.12.2011 in Civil Appeal Nos.10787 – 10788 of 2011 (arising out of SLP @ No.32768-32769/2010) has held that while entertaining a complaint 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. 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. Since the complainant is interested in getting the information, therefore, the matter is remanded back to **Sh. Hanumant Singh** Assistant Commissioner Excise cum Appellate Authority to take appropriate decision in accordance with the provisions of the RTI Act within the prescribed timeline, after giving opportunity of hearing to all concerned by passing a speaking order. A copy of this complaint filed by the complainant is also **being sent** to the First Appellate Authority along with this order with the directions to treat the same as first appeal.

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4. With these directions the case is disposed of and closed. However, the liberty is granted to the complainant to file the 2nd appeal in this case, if he is not satisfied with the decision of the First Appellate Authority.

sd

Dated 20.6.2022

@s

Suresh Arora

Chief information Commissioner, Punjab.

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Sh. Balwinder Singh,
#292, Panchyat Gali,
Tibri Road, Gurdaspur

-----Complainant

Vs

Public Information Officer,
o/o Excise Officer, Amritsar -I

Sh. Hanumant Singh, A.C.E.
First Appellate Authority,
o/o Assistant Commissioner Excise,
Amritsar-I

----- Respondents

Complaint Case No. 194 of 2022
(Video Conference Proceedings)

Present: Sh. Balwinder Singh, complainant.
Sh. Sandeep Sharma, Excise Inspector on behalf of respondent.

Order

The RTI Application is dated 12.2.2022 vide which the complainant has sought information as enumerated in his RTI Application. Complaint was filed in the Commission on 7.4.2022 under Section 18 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today i.e. 20.6.2022.

2. The appellant states that he has not been provided the information by the Public Information Officer. The appellant has requested the Commission to provide him the sought information from the PIO.

3. It is appropriate to mention that Hon'ble Supreme Court of India in its order rendered on 12.12.2011 in Civil Appeal Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010) has held that while entertaining a complaint 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. 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. Since the complainant is interested in getting the information, therefore, the matter is remanded back to **Sh. Hanumant Singh** Assistant Commissioner Excise cum Appellate Authority to take appropriate decision in accordance with the provisions of the RTI Act within the prescribed timeline, after giving opportunity of hearing to all concerned by passing a speaking order. A copy of this complaint filed by the complainant is also **being sent** to the First Appellate Authority along with this order with the directions to treat the same as first appeal.

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Contd. P/2

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4. With these directions the case is disposed of and closed. However, the liberty is granted to the complainant to file the 2nd appeal in this case, if he is not satisfied with the decision of the First Appellate Authority.

sd

Dated 20.6.2022

@s

Suresh Arora

Chief information Commissioner, Punjab.

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Smt. Neena Gupta, M: 9855014101
#1410, Phase-1, Urban Estate,
Dugri Road, Ludhiana - 141013

.....Appellant

Vs.

Public Information Officer,
O/o S.D.M. Ludhiana (West),
Distt. Ludhiana.

First Appellate Authority,
O/o S.D.M. Ludhiana (West),
Distt. Ludhiana.

.....Respondents

Appeal Case No. 5116 of 2021.

Present: None, on behalf of the appellant.
Shri Rajesh, Superintendent M 60030000012 on behalf of the respondents.

Order

This order may be read with the reference to the previous order dated 27.4.2022 vide which appellant was directed to inspect the concerned case file as some information has been sent by the respondent and is available in the case file. But the representative of the appellant states that he would inspect the file after attending the hearing of some other case in the Commission but he did not come to inspect the case file. In view of the above, both the parties were directed to remain present in person along with the original record/information supplied to take the matter to its logical end. The next date of hearing was fixed for today i.e. on 20.6.2022 at Chandigarh.

2. The appellant or his representative is absent today without intimation to the Commission. However he has sent an email dated 15.6.2022 which is taken on record.

3. The representative of the respondents has submitted a letter no. 625 dated 17.6.2022 with a copy of information duly certified enclosed with it to the Commission which is taken on record.

4. In view of the above, and after perusal of the information so supplied by the representative of respondent PIO, the Commission accepts the reply/information which is being sent to the appellant. No more action is required to be taken in this case. Hence this case is disposed of and closed. However, since the appellant is not present, the liberty is granted to him to approach the Commission within two weeks in case of submission, if any.

sd

Dated 20.6.2022
@s

Suresh Arora
Chief information Commissioner, Punjab

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Smt. Neena Gupta, M: 9855014101
#1410, Phase-1, Urban Estate,
Dugri Road, Ludhiana - 141013

.....Appellant

Vs.

Public Information Officer,
O/o S.D.M. Ludhiana (West),
Distt. Ludhiana.

First Appellate Authority,
O/o S.D.M. Ludhiana (West),
Distt. Ludhiana.

.....Respondents

Appeal Case No. 5196 of 2021.

Present: None, on behalf of the appellant.
Shri Rajesh, Superintendent M 60030000012 on behalf of the respondents.

Order

This order may be read with the reference to the previous order dated 27.4.2022 vide which PIO was directed to file response pertaining to point no. 3,4 and 5 and also send annexures pertaining to point 1 and 2 of RTI application of the appellant. Both the parties were directed to remain present in person along with the original record/information supplied to take the matter to its logical end. The next date of hearing was fixed for today i.e. on 20.6.2022 at Chandigarh.

2. The appellant or his representative is absent today without intimation to the Commission. However he has sent an email dated 15.6.2022 which is taken on record.

3. The representative of the respondents has submitted a letter no. 621 dated 17.6.2022 with a copy of information duly certified enclosed with it to the Commission which is taken on record.

4. In view of the above, and after perusal of the information so supplied by the representative of respondent PIO, the Commission accepts the reply/information which is being sent to the appellant. No more action is required to be taken in this case. Hence this case is disposed of and closed. However, since the appellant is not present, the liberty is granted to him to approach the Commission within two weeks in case of submission, if any.

sd

Dated 20.6.2022
@s

Suresh Arora
Chief information Commissioner, Punjab

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Smt. Neena Gupta, M: 9855014101
#1410, Phase-1, Urban Estate,
Dugri Road, Ludhiana - 141013

.....Appellant

Vs.

Public Information Officer,
O/o S.D.M. Ludhiana (West),
Distt. Ludhiana.

First Appellate Authority,
O/o S.D.M. Ludhiana (West),
Distt. Ludhiana.

.....Respondents

Appeal Case No. 5170 of 2021.

(Video Conference Proceedings)

Present:- None on behalf of the appellant at Chandigarh.
Sh. Rajesh Superintendent M 6003000012 on behalf of the respondents

ORDER

This order may be read with reference to the previous order dated 27.4.2022 vide which respondent Public information Officer was hereby directed to submit response pertaining to point no. 2 of RTI application before the next date of hearing. Also both the parties were directed to remain present on the next date along with the original record/information supplied to take the matter to its logical end. The next date of hearing was fixed for today i.e. on 20.6.2022 at Chandigarh.

2. The appellant or his representative is absent today without intimation to the Commission. However he has sent an email dated 15.6.2022 which is taken on record.

3. The representative of the respondents has submitted a letter no. 623 dated 17.6.2022 with a copy of information duly certified enclosed with it to the Commission which is taken on record.

4. In view of the above, and after perusal of the information so supplied by the representative of respondent PIO, the Commission accepts the reply/information which is being sent to the appellant. No more action is required to be taken in this case. Hence this case is disposed of and closed. However, since the appellant is not present, the liberty is granted to him to approach the Commission within two weeks in case of submission, if any.

sd

Dated 20.6.2022
@s

Suresh Arora
Chief information Commissioner, Punjab.