

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

**Ph: 0172-2864116, Email: - [psic26@punjabmail.gov.in](mailto:psic26@punjabmail.gov.in)**

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(Helpline No.0172-2864116(From 10.00 AM to 04.00PM on working days))**



Shri Kuldip Kumar Kaura  
Retd. Lecturer,  
# 5-C, Phase-I, Urban Estate,  
Focal Point, Ludhiana.

...Appellant

**Versus**

**Public Information Officer,**  
O/o Zonal Commissioner,  
Municipal Corporation,  
Zone-C, Ludhiana.

**First Appellate Authority-cum-**  
O/o Zonal Commissioner,  
Municipal Corporation,  
Zone-C, Ludhiana.

...Respondents

**Appeal Case No.503 of 2020**

**PRESENT :** (i) Appellant- Exempted from appearance.  
(ii) Shri Tejinderpal Singh, Secretary and Shri Parshotam Lal, XEN,  
O&M Cell, Zone-A, Municipal Corporation, Ludhiana, in person.  
(iii) Dr. Jasbir Kaur, Medical Officer, Health, M.C. Ludhiana,  
on behalf of the PIO.

**ORDER:**

**(Heard in person/through Cisco Webex)**

1. This order may be read with reference to the order dated 24.11.2021 passed by this Bench on the previous hearing.
2. In the instant Appeal Case, the information stands supplied. However, hearing for today was scheduled as the penalty imposed on the PIO was not deposited and no evidence was produced before the Bench in this regard. Certain directions of the Bench also remained un-complied with. Hence, the case has been heard today before the Bench.
3. Dr. Jasbir Kaur, Medical Officer O/o MOH, M.C. Ludhiana, attends the hearing through cisco webex and states that the amount of penalty has been deposited on 11.02.2022 and copy of challan has been sent to the Hon'ble Commission.

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**AC No.503/2020**

4. Shri Tejinder Pal Singh Panchhi, Secretary, Agenda Branch, M.C. Ludhiana, along with Shri Parshotam Lal, SDO (O&M) Cell, Zone-C, M.C. Ludhiana come present before the Bench in person and states that he had charge of the Health Branch only on 15.06.2020 and 20.07.2020 and that Dr. Jasbir Kaur was the PIO when penalty was imposed on the PIO. He further states that he has clarified his position with regard to the show cause notice vide his letter dated 24.01.2022.

5. In view of the fact that the penalty in the instant case stands deposited and the directions of the Bench stand complied with, no further intervention of the Bench in the matter is required. The show cause notice issued is also dropped.

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  
21.02.2022**

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

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Shri Nirpal Singh Garacha,  
Member Panchayat, Kohara,  
S/o Shri Darshan Singh,  
R/o VPO Kohara,  
Tehsil & District Ludhiana.

.....Complainant

Versus

**Public Information Officer**  
O/o Environmental Engineer,  
Punjab Pollution Control Board,  
Regional Office-I, Ludhiana.

**Remanded Back**  
**First Appellate Authority**  
O/o Sr. Environmental Engineer,  
Zonal Office-I,  
Punjab Pollution Control Board,  
Ludhiana.

...Respondents

**CC No.1265/2021**

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

**ORDER**

1. The RTI application is dated 14.05.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 09.11.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 21.02.2022 in Commission's Office at Chandigarh. Accordingly, the case was scheduled to be heard today. Shri Nirpal Singh Garcha, complainant has not come present to attend the hearing in person or through cisco webex.
3. Neither the PIO O/o Environmental Engineer, Punjab Pollution Control Board, Regional Office-1, Ludhiana 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

Cont..P-2



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 R.K. Goyal, Sr. Environmental Engineer, Zonal Office-I, Punjab Pollution Control Board, Ludhiana.** 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**  
**21.02.2022**  
**Copy to (By Regd. Post)**

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

**First Appellate Authority, Sh.R.K. Goyal, Sr. Environmental Engineer,**  
**Zonal Office-I, Punjab Pollution Control Board, Ludhiana.**

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Shri Jagdish Singh,  
# 5, Bagh Ramanand,  
Amritsar

.....Complainant

Versus

**Public Information Officer**  
O/o Addl. Superintending Engineer,  
(Store), Punjab State Power  
Corporation Limited (PSPCL),  
Varpal, District Amritsar.

**Remanded Back**

**First Appellate Authority**  
O/o Chief Engineer (TS),  
Punjab State Power Corporation  
Limited (PSPCL), Patiala.

...Respondents

**CC No.1280/2021**

**Present:** (i) **Shri Jagdish Singh, Complainant.**  
(ii) **None on behalf of PIO**

**ORDER**

1. The RTI application is dated 16.09.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 15.11.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The notice of hearing was issued to the parties for 21.02.2022 in Commission's Office at Chandigarh. Accordingly, the case has been heard today. Shri Jagdish Singh, complainant comes present to attend the hearing in person before the Bench and states that he has not been supplied information by the PIO so far.

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

Cont..P-2



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. Er.Arinderpal Singh, Chief Engineer(TS) , 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.

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  
21.02.2022**

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

**Copy to (By Regd. Post)**

**First Appellate Authority, Er. Arvinderpal Singh, Chief Engineer(TS),  
Punjab State Power Corporation Ltd.(PSPCL), Patiala..**

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Shri Gurcharan Singh,  
C/o Shri Jagroop Singh, Advocate  
House No.401, Street No.4,  
Vijay Nagar, PO DCW,  
Patiala-147003.

.....Appellant

Versus

**Public Information Officer**  
O/o Manager, SGPC,  
Fatehgarh Sahib.

**First Appellate Authority**  
O/o Deputy Commissioner,  
Fatehgarh Sahib.

...Respondents

**AC No.4125/2021**

**Present:** (i) Appellant- absent.  
(ii) Shri Balwinder Singh, Assistant Manager, Shri Jaswinder Singh, Revenue Accountant, Shri Harmanjit Singh, Record Keeper, SGPC, Gurdwara Sri Fatehgarh Sahib, 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 20.12.2021 passed by this Bench on the previous hearing.
2. The case has been heard today. Shri Gurcharan Singh, appellant has not come present to attend the hearing in person or through cisco webex.
3. Shri Balwinder Singh, Assistant Manager, S.G.P.C., Sri Fatehgarh Sahib comes present to attend the hearing in person before the Bench along with Shri Jaswinder Singh, Revenue Accountant and Shri Balwinder Singh, Record Keeper. He states that the information sought by the appellant, as contained in a booklet published by Gurdwara Sri Fatehgarh Sahib has been supplied to the appellant vide letter dated 14.02.2022 by registered post. There are no other documented details available with SGPC, Sri Fatehgarh Sahib.

Cont..P-2



-2-

**AC No.4125/2021**

4. Since the appellant is absent for today's hearing, as such, he is contacted on mobile phone. He is made to talk to the representative of PIO Shri Balwinder Singh who explains to him the information supplied. He also requests the appellant to establish contact with them and they will make efforts to make available the information to him as is available in the official records. He also apprises the appellant that regarding 'Kalgı' as referred to in his RTI application, there is no record available with them. Then, on the asking of the Bench, the appellant states that he is not completely satisfied with the information supplied as the same is partial information. He also makes a request that it will suffice if the PIO is directed to file an affidavit stating that no other documented information is available.

5. In view of the above, the PIO is directed to file an affidavit on non-judicial stamp paper, within twenty one (21) days, 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.4125/2021 has been supplied to the appellant. It be further stated that the statement made is true and correct. Original affidavit along with copy of the same be brought along and produced before the Bench on the next hearing.

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  
21.02.2022**

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



