

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864115, Email: - psic25@punjabmail.gov.in
Visit us: - www.infocommpunjab.com
Helpline No. 0172-2864100



Sh. Ramandeep Sharma, Advocate
Chamber No. 30, New Judicial Court Complex,
Ajnala, Distt. Amritsar (9592260030)

Vs

.....Complainant

Public Information Officer
O/o Director General of Punjab
Punjab Police Headquarter, Sector 9
Chandigarh

.....Respondent

CC No. 1241 of 2021

Present : (i) None is present on behalf of the Complainant
(ii) For the respondent : Sh. Narinder Singh, Senior Constable (8727800286)

ORDER

1. The RTI application is dated 28.07.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 26.10.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice was issued to the parties for hearing for 21.03.2022 i.e. today.
3. After going through the file, it is observed that this is the complaint case. The attention of the Complainant is drawn to the decision of the judgment of the Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos. Nos.10787 – 10788 of 2011 (arising out of SLP © 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 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).

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As such, since the complainant has approached the Commission under the provision of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

4. Since there is an alternative and efficacious remedy of first appeal available to the Complainant under Section 19(1) of the RTI Act, which has not been availed in the instant case and the First Appellate Authority has not had the occasion to review the decision of the PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

5. The instant matter is now remanded back to the First Appellate Authority. The commission hereby directs the FAA to treat the copy of the complaint (copy enclosed) 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. In case the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal with the Punjab State Information Commission in accordance with the provisions of the RTI Act 2005.

6. If, however, the complainant does not feel satisfied with the decision of the First Appellate Authority, he will be at liberty to file a Second Appeal before the Commission under Section 19(3) of the RTI Act, 2005.

Sd/-

Dated: 21.03.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

Remanded back to :
First Appellate Authority

O/o DGP, Punjab
Punjab Police Headquarter, Sector 9
Chandigarh

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Sh.Surinder Singh, S/o Late Sh Prem Singh,
R/o House NO 99, Ward No 11,
Near Gurudwara Charankanwal Sahib,
Zirakpur

.....Complainant

..Vs

Public Information Officer,
O/o EO, MC, Zirakpur, Tehsil Dera Bassi,
Distt. Mohali

.....Respondent

CC No. 1019 of 2021

Present: (i) None the appellant
(ii) **For the respondent** :Sh Gursewak, Jr Asstt. (88729-55800)

ORDER

This order may be read with reference to the previous order dated 01.09.2021 vide which the abovementioned Complaint case was remanded back to the First Appellate Authority ie, First Appellate Authority o/o Deputy Director, Local Bodies Patiala. However, the Appellant had filed an application vide Commission diary no. 2576 dated 10.02.2022 requesting that the First appellate authority, has been changed from Deputy Director, Local Bodies Patiala to ADC (Urban Development) Mohali and that his first appeal has not been treated. Accordingly, notice of re-hearing was issued to the parties for 21.03.2022 i.e today.

2. The Appellant is not present today. However, he has informed on phone that he has undergone a surgery and is hospitalized and hence, he shall not be able to attend the hearing today.

3. The Respondent states that the information demanded by the complainant is third-party information.

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CC No. 1019 of 2021

4. After perusing the case file, it is ascertained that the Complainant has demanded information as under:-

To supply me the following information to the effect that on the basis of which documents the property tax was deposited by M.C Dera Bassi regarding House No.100, B-14/1508. Situated in Khera Mandir Gali, Zirakpur. District S.A. S Nagar (Mohali), in name of Krishna Devi of Avtar Singh resident of Zirakpur, District S.A.S Nagar (Mohali). However, she is not owner of the said house.

Further, the Respondent has filed their reply Vide Commission diary no. 19533 dated 31.08.2021 stating as under:-

*“That bare perusal of the RTI application it reveals that the information demanded by the complainant are pertaining to 3rd party's property documents and property tax related to Smt. Krishna Devi and this purely **3rd party's** personal information submitted in our office in fiduciary relationship, thus, accordingly reply to the RTI application was sent to the complainant vide our letter dated 27.08.2021.”*

5. I have gone through the same and have agreed with the reply. In view of the above, no further cause of action is left. Hence, the Complaint case filed by the Complainant is **disposed off and closed**. Copy of the orders be sent to the parties.

Sd/-

Dated : 21.03.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh Yadwinder Singh Sidhu, (M-9914241984)
#1224/4, Dharampura Bazar, Patiala

.....Appellant

..Vs

Public Information Officer,
O/o NRI Wing, Phase-7, Mohali

First Appellate Authority
O/o NRI Wing, Phase-7, Mohali

.....Respondent

AC No. 4828 of 2021

Present: None for the Parties.

ORDER

1. The RTI application is dated 26.05.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 22.10.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 21.03.2022 i.e today.
3. No one has appeared on behalf of the Respondent today. However, the Respondent has sent their reply via e-mail as under:-

ਉਪਰੋਕਤ ਕੇਸ ਸਬੰਧੀ ਪ੍ਰਾਰਥੀ ਯਾਦਵਿੰਦਰ ਸਿੰਘ ਸਿੱਧੂ ਵੱਲੋਂ ਮਿਤੀ 03.05.2021 ਨੂੰ ਯੂ.ਆਈ.ਡੀ ਨੰਬਰ 1779923 ਅਤੇ 1989307 ਰਾਹੀਂ ਰਜਿਸਟਰੀ ਪੋਸਟ ਆਰ.ਟੀ.ਆਈ ਫਾਰਮ ਇਸ ਦਫਤਰ ਵਿਖੇ ਪ੍ਰਾਪਤ ਹੋਇਆ ਸੀ। ਪ੍ਰੰਤੂ ਉਸ ਸਮੇਂ ਪ੍ਰਾਰਥੀ ਵੱਲੋਂ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਵਿਚਾਰ ਅਧੀਨ ਹੋਣ ਕਾਰਨ ਸੂਚਨਾ ਦੇ ਅਧਿਕਾਰ ਐਕਟ 2005 ਦੀ ਧਾਰਾ 8.1(H) ਅਧੀਨ ਮੁਹੱਈਆ ਨਹੀਂ ਕਰਵਾਈ ਗਈ ਸੀ। ਇਸ ਸਬੰਧੀ ਪ੍ਰਾਰਥੀ ਨੂੰ 21.05.2021 ਨੂੰ ਰਾਹੀਂ ਖੰਤਰ ਅਤੇ ਫੋਨ ਰਾਹੀਂ ਜਾਣੂ ਕਰਵਾਇਆ ਗਿਆ ਸੀ। ਇੱਥੇ ਇਹ ਧਿਆਨ ਦਵਾਉਣਾ ਜ਼ਰੂਰੀ ਹੈ ਕਿ ਹੁਣ ਪ੍ਰਾਰਥੀ ਵੱਲੋਂ ਉਕਤ ਦਰਖਾਸਤਾ ਦੇ ਸਬੰਧ ਵਿੱਚ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਇਸ ਦਫਤਰ ਵੱਲੋਂ ਦਾਖਲ ਦਫਤਰ ਹੋ ਚੁੱਕੀ ਹੈ, ਇਸ ਲਈ ਪ੍ਰਾਰਥੀ ਨੂੰ ਹਦਾਇਤ ਕੀਤੀ ਜਾਵੇ ਅਗਰ ਉਸ ਵੱਲੋਂ ਦਰਖਾਸਤਾ ਸਬੰਧੀ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਲੋੜੀਂਦੀ ਹੈ ਤਾਂ ਉਹ ਦੁਬਾਰਾ ਤੋਂ ਆਰ.ਟੀ.ਆਈ ਅਪਲਾਈ ਕਰਕੇ ਸੂਚਨਾ ਇਸ ਦਫਤਰ ਵੱਲੋਂ ਪ੍ਰਾਪਤ ਕਰ ਸਕਦਾ ਹੈ ਜੀ।

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AC No. 4828 of 2021

4. The Appellant is not present today. However, he was contacted telephonically and read out the above reply. He states that he shall visit the O/o Respondent and obtain the information. Further, he states that this Appeal case may be disposed off and closed.

5. In view of the above, no further cause of action is left. Hence, the appeal case filed by the Appellant is **disposed off and closed**. Copy of the orders be sent to the parties.

Sd/-

Dated: 21.03.2022

(Amrit Partap Singh Sekhon)
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Sh Gurcharan Singh, C/o Advocate Jagroop Singh,
House No.401, Street No.4, Vijay Nagar, PO DC Complex,
Patiala-147001 (98158-75655)

.....Appellant

..Vs

Public Information Officer,
O/o Tehsildar, Fatehgarh Sahib

.....Respondent

CC No. 1229 of 2021

Present: (i) Sh Gurcharan Singh, appellant
(ii) For the respondent :Sh. Amandeep, Tehsildar-cum-PIO (98724-27055)

ORDER

1. The RTI application is dated 15.02.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 22.10.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice was issued to the parties for hearing for 21.03.2022 in the Commission.
3. The Appellant states that the information has not been provided to him so far.
4. The Respondent has filed his reply as under:-

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਦੇ ਸਬੰਧ ਵਿੱਚ ਭੇਜ ਕੇ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਹਵਾਲਾ ਅੰਕਿਤ ਪੱਤਰ ਦੇ ਸਬੰਧ ਵਿੱਚ ਸੂਚਿਤ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਆਪ ਵੱਲੋਂ ਆਰ.ਟੀ .ਆਈ ਐਕਟ 2005 ਤਹਿਤ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਇਸ ਦਫ਼ਤਰ ਦੇ ਪੱਤਰ ਨੰਬਰ 89 /ਦ.ਕ ਮਿਤੀ 02-02-2021 ਰਾਹੀ ਪਹਿਲਾ ਹੀ ਭੇਜੀ ਜਾ ਚੁੱਕੀ ਹੈ। ਜਿੱਥੇ ਤੱਕ ਸੂਚਨਾ ਦਾ ਇੱਕ ਭਾਸ਼ਾ ਤੇ ਦੂਸਰੀ ਭਾਸ਼ਾ ਵਿੱਚ ਅਨੁਵਾਦ ਕਰ ਕੇ ਸੂਚਨਾ ਮਹੱਈਆ ਕਰਵਾਉਣ ਦਾ ਸਵਾਲ ਹੈ ਆਪ ਨੂੰ ਸੂਚਿਤ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਸੂਚਨਾ ਦਾ ਅਨੁਵਾਦ ਕਰ ਕੇ ਮਹੱਈਆ ਕਰਵਾਉਣ ਦਾ ਆਰ.ਟੀ.ਆਈ ਐਕਟ 2005 ਵਿੱਚ ਕੋਈ ਵੀ ਉਪਬੰਧ ਨਾ ਹੈ।
5. I have gone through the reply of the respondent and have agreed with the reply. In view of the above, no further cause of action is left. Hence, the Complaint case filed by the Complainant is **disposed off and closed**. Copy of the orders be sent to the parties.

Dated :21.03.2022

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab