

PUNJAB STATE INFORMATION COMMISSION
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Sh. Tarsem Singh, S/o Sh.Nishan Singh,
Roj Avenue, Chamiani
Road, Ajnala, Amritsar

...Appellant

Versus

Public Information Officer
O/o Addl, SE (Operational),
PSPCL, Division Ajnala,
Distt Amritsar.

First Appellate Authority,
O/o Chief Engineer, Border Zone,
Amritsar.

...Respondent

Appeal Case No. 3057 of 2019

PRESENT: Sh.Tarsem Singh as the Appellant
Sh.Aneeshdeep singh, Sr.Xen for the Respondent

ORDER:

The appellant, through RTI application dated 30.04.2019, sought information regarding a copy of the application form/request dated 25.08.2015 for electric connection No.A11SA441492M alongwith copy of bills issued and other information from the office of Addl. SE (Operational), PSPCL Division Ajnala. The appellant was not provided with the information, after which the appellant filed the first appeal before the First Appellate Authority on 20.05.2019, which did not decide on the appeal. After filing first appeal, the PIO sent a reply to the appellant vide letter dated 27.06.2019. On being not satisfied with the information, the appellant filed 2nd appeal in the Commission on 21.08.2019.

The case has been heard on 30.12.2019, 17.03.2020, 04.08.2020, 15.09.2020, 09.11.2020, 09.03.2021, 18.05.2021, 31.08.2021, 29.04.2022 & 04.04.2022.

On the date of hearing on 15.09.2020, the respondent was present at Chandigarh and informed that the information has been provided to the appellant vide letter dated 03.09.2020 with a copy to the Commission. The Commission had received the copy of the information on 09.09.2020, which had been taken on the file of the Commission.

The appellant was not satisfied. After going through the information provided and hearing both the parties, the following was concluded:

- | | | |
|-----------|---|---|
| - Point-1 | - | Information provided |
| - Point-2 | - | Information provided. Appellant not satisfied. The PIO to give in writing on an affidavit that the meter number was wrongly entered, but the same has been corrected. |
| - Point-3 | - | PIO to give reply on an affidavit |
| - Point-4 | - | PIO to give reply on an affidavit |

The PIO submitted a reply to the show-cause notice, which was taken on the file of the Commission. A copy of the order was sent to the Superintending Engineer, PSPCL Sub-urban, Circle Amritsar to inquire into the matter of mismatch of meter serial number and submit a detailed enquiry report to the Commission.

On the date of the hearing on **09.11.2020**, as per the appellant, the PIO had not provided the information. The PIO was absent, nor had compiled the order of the Commission. The PIO-Addl. SE(Operational) PSPCL Division Ajnala was directed to pay an amount of **Rs.3000/-** via demand draft as compensation to the appellant and submit proof of having compensated the appellant. The PIO was again directed to comply with the Commission's earlier order.

On the date of the hearing on 31.08.2021, the respondent informed that the compensation amount has been paid to the appellant via DD No.150838 dated 21.05.2021, and the appellant has received the same.

On the date of the last hearing on **29.03.2022.**, the respondent present pleaded that pursuance to an earlier order of the Commission, an affidavit filed by the PIO was sent to the Commission on 01.09.2021, and a copy of the same was sent to the appellant by registered post on 16.09.2021.

As per the appellant, he had not received the original affidavit from the respondent PIO.

The PIO was directed to provide a fresh affidavit to the appellant as per the earlier order and send a copy to the Commission. The PIO was also directed to file a reply to the show cause notice within three days, otherwise, it will be presumed that the PIO has nothing to say on the matter, and the commission will take penal action against the PIO under section 20 of the RTI Act.

On the date of the last hearing on **04.04.2022**, the appellant informed that the PIO has not provided the affidavit as per the order of the Commission.

The respondent had brought the affidavit. The PIO was directed to provide a fresh affidavit by mentioning all points stated in the RTI application. The PIO is also directed to file reply to the show-cause notice. The appellant was directed to collect the affidavit from the PIO by visiting their office on 05.04.2022.

Further, an enquiry was marked to Superintending Engineer, PSPCL Sub-urban, Circle Amritsar with the direction to enquire into the matter of mismatch of meter serial number and submit a detailed enquiry report to the Commission. However, no enquiry report was received. The **Superintending Engineer, PSPCL Sub-urban, Circle Amritsar** was again directed to send an enquiry report to the Commission

Hearing dated 23.05.2022:

This order should be read in continuation of the earlier interim orders.

The case has come up for hearing today through video conferencing at DAC Amritsar. The respondent present pleaded that complete information has been supplied and compensation has been paid to the appellant. The respondent also provided a fresh affidavit to the appellant during the hearing. The appellant has received the fresh affidavit as per the order of the Commission.

The enquiry report of the Superintending Engineer, PSPCL Sub-urban, Circle Amritsar, has also been received which has been taken on record.

Appeal Case No. 3057 of 2019

All out efforts have been made to reconcile this case, and it has taken several hearings to reach a point where it can be concluded that all efforts have been made to help the information seeker get the information that was sought in the RTI application. In this case, even a compensation amount was awarded to the applicant for the long haul that took to mediate between the public authority and the appellant. Since the information has been provided to the best possible extent, there is no further action that is required from the commission.

The case is **disposed of and closed**.

Chandigarh
Dated :23.05.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: Superintending Engineer(Operations),
PSPCL Sub-urban, Circle Amritsar



Sh Pawanbir Singh, S/o Sh Joga Singh,
H NO-F-20/364, Near Baba Mirshah,
Nehru Colony, P.O Vijay Nagar, Majitha Road,
Amritsar.

... Complainant

Versus

Public Information Officer,
O/o DCP,
Amritsar.

...Respondent

Complaint Case No. 1276 of 2021

PRESENT: Sh.Pawanbir Singh as the Appellant
Sh.Surinder, ASI for the Respondent

ORDER:

The appellant through an RTI application dated 15.09.2021 has sought information regarding action taken by the department against the accused in FIR No.73 dated 17.06.2019 police station Majitha Road, Amritsar and other information as enumerated in the RTI application concerning the office of DCP Amritsar. The appellant was not provided the information after which the appellant filed a first appeal before the First Appellate Authority on 11.11.2021 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Amritsar. The respondent present pleaded that they received the RTI application of the complainant dated 15.09.2021, however since the enquiry was pending, the reply was sent to the appellant vide letter dated 16.10.2021. The respondent further informed that the accused have been arrested, however since the enquiry is still pending, the information cannot be provided under section 8(1)(h) of the RTI Act and the reply has again been sent to the appellant vide letter dated 18.05.2022.

Having gone through the RTI application and hearing both the parties, the PIO is directed to provide names of the persons arrested.

Having gone through the record, the Commission observes that since this is a complainant case and the complainant has come to the Commission under the provision of Section 18 of the RTI Act, 2005 in which no directions for providing further information can be given by the Commission.

The Hon'ble Supreme Court of India in its Order dated 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 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 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.

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

Complaint Case No. 1276 of 2021

In view of the observations noted above, the instant case is remanded back to the concerned First Appellate Authority-cum-Commissioner of Police Amritsar with a copy of the RTI application for their ready reference and is also directed to call the complainant within 15 days of the receipt of the order, provide the information/reply pertaining to this RTI application. A compliance report of the same be sent to the Commission.

With the above observation and order, the case is **disposed of and closed**.

Chandigarh
Dated: 23.05.2022

Sd/-
(Khushwant Singh)
State Information Commission

CC to First appellate Authority-cum
Commissioner of Police, Amritsar.



Sh Gurjit Singh,
185-A, District Court,
Amritsar.

... Appellant

Versus

Public Information Officer,
O/o DCP,
Amritsar.

First Appellate Authority,
O/o DCP,
Amritsar.

...Respondent

Appeal Case No. 4878 of 2021

PRESENT: None for the Appellant
Sh.Surinder Singh, ASI for the Respondent

ORDER:

The appellant through an RTI application dated 15.06.2021 has sought information regarding complaint UID No.1827263, UID No.1894397 & 1944411 CRPC Amritsar and other information as enumerated in the RTI application concerning the office of DCP Amritsar. The appellant was not satisfied with the reply of the PIO dated 14.07.2021 after which the appellant filed a first appeal before the First Appellate Authority on 28.07.2021 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Amritsar. The respondent present pleaded that they received the RTI application of the complainant dated 15.06.2021, however since the enquiry was pending with Incharge EO-1 Amritsar, the reply was sent to the appellant vide letter dated 14.07.2021. The respondent further informed that as per the report of PC Branch, the enquiry is still pending, the information cannot be provided and the reply has again been sent to the appellant vide letter dated 17.03.2022

The appellant is absent nor is represented to pursue his case.

Since the RTI has been sufficiently replied to, no further interference from the Commission is required. The case is **disposed of and closed**.

Chandigarh
Dated: 23.05.2022

Sd/-
(Khushwant Singh)
State Information Commission

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Sh Meharban Harmanpreet Singh,
C/o Sh Ranjit Nambardar,
Village Lakhuwal, P.O Ramdass,
Tehsil Ajnala, Distt Amritsar.

... Appellant

Versus

Public Information Officer,
O/o SSP, Rural,
Amritsar.

First Appellate Authority,
O/o IG, Border Range,
Amritsar.

...Respondent

Appeal Case No. 5094 of 2021

PRESENT: None for the Appellant
Sh.Rashminder Singh, ASI for the Respondent

ORDER:

The appellant through an RTI application dated 28.05.2021 has sought information regarding copy of verification report sent by police department to passport office for issue of passport – name and designation of verification officer – name of witnesses for verification and other information as enumerated in the RTI application concerning the office of SSP Rural Amritsar. The appellant was not provided the information after which the appellant filed a first appeal before the First Appellate Authority on 14.07.2021 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Amritsar. The respondent present pleaded that after collecting the information from their CPRC Amritsar, the same has been provided to the appellant and the appellant has acknowledged having received the information.

The appellant is absent nor is represented to pursue his case.

Since the information has been provided, no further course of action is required. The case is **disposed of and closed**.

Chandigarh
Dated: 23.05.2022

Sd/-
(Khushwant Singh)
State Information Commission



Sh Jaspal Singh, S/o Sh Harbans Singh,
Village Samadh Bhai, Tehsil Baghapurana,
Distt Moga.

... Appellant

Versus

Public Information Officer,
O/o Chief Secretary, SGPC,
Amritsar.

First Appellate Authority,
O/o President, SGPC,
Amritsar.

...Respondent

Appeal Case No. 4756 of 2021

PRESENT: None for the Appellant
Sh.Simarjit Singh, PIO for the Respondent

ORDER:

The appellant through an RTI application dated 24.05.2021 has sought information regarding the complaint against President Jagjit Singh of 20.03.2020 – enquiry report – enquiry report on the complaint dated 24.02.2021 of Gurudwara Jamni Sahib Vajidpur Distt.Ferozepur and other information as enumerated in the RTI application concerning the office of Chief Secretary, SGPC Amritsar. The appellant was not satisfied with the reply of the PIO dated 21.07.2021 after which the appellant filed a first appeal before the First Appellate Authority on 28.06.2021 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Amritsar. The respondent present pleaded that the information on point-1 has already been provided. Regarding point-2, since the enquiry in the case is pending, the information cannot be provided and the reply has been sent to the appellant vide letter 21.07.2021 with a copy to the Commission through email.

The appellant is absent nor is represented to pursue his case.

Having gone through the RTI application and the reply of the PIO, the Commission finds that the RTI has been sufficiently replied and no further interference of the Commission is required.

The case is **disposed of and closed.**

Chandigarh
Dated: 23.05.2022

Sd/-
(Khushwant Singh)
State Information Commission



Sh Lakha Singh S/o Sh Mangal Singh,
VPO Raiya Khurd, Ward NO-3,
Tehsil Baba Bakala, Distt Amritsar.

... Appellant

Versus

Public Information Officer,
O/o SSP, Rural,
Amritsar.

First Appellate Authority,
O/o IGP, Border Range,
Amritsar.

...Respondent

Appeal Case No. 4895 of 2021

PRESENT: None for the Appellant
Sh.Rashminder Singh, ASI for the Respondent

ORDER:

The appellant through an RTI application dated 28.06.2021 has sought information on 07 points regarding the copy of complaint dated 09.02.2019 filed in police station Beas and 05.08.2015 filed in SSP Amritsar alongwith relevant documents and enquiry reports/statements – case No.43 dated 03.03.1997 with the date of filing in the court and other information as enumerated in the RTI application concerning the office of SSP Rural Amritsar. The appellant was not provided with the information after which the appellant filed a first appeal before the first appellate authority on 17.08.2021, which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Amritsar. The appellant is absent and vide email has informed that the PIO has not supplied the information.

The respondent has sent a reply to the Commission through email with a copy to the appellant which has been taken on record.

Having gone through the RTI application and the reply of the PIO, the following is concluded:

Point	Respondent's reply	Decision
1	As per the respondent, the complaint was marked earlier to ASI Sh.Bhupinder Singh, who has been transferred but has not handed over the charge. The respondent has assured to procure and provide the information to the appellant	The PIO to provide information
2 & 5	As per the respondent, the record upto the year 2017 stands destroyed	Sufficiently replied

3	As per respondent, the record being 24 years old, is not traceable and cannot be provided u/s 8(3)(a)(c)(i). The respondent further informed that due to non-traceable of the record, department enquiry is pending against the concerned Munshi	The PIO is directed to provide the information if available in the record or reply appropriately.
4 & 7	As per the respondent, the information is not specific	The appellant to specify the information and the PIO to provide
6	As per the respondent, the report has been procured from the concerned SHO and is being provided to the appellant	The PIO to provide information

The information be provided within 15 days of the receipt of the order.

With the above order, the case is **disposed of and closed**.

Chandigarh
Dated: 23.05.2022

Sd/-
(Khushwant Singh)
State Information Commission



Sh Amardeep Singh, S/o Sh Chanan Singh,
R/o 1529/12, Street Karam Singh,
Chowk Karori, Tehsil & Distt Amritsar.

... Complainant

Versus

Public Information Officer,
O/o DCP,
Amritsar.

...Respondent

Complaint Case No. 1302 of 2021

PRESENT: Sh.Amardeep Singh as the Appellant
Sh.Bahadur Singh, Inspector for the Respondent

ORDER:

The complainant through an RTI application dated 06.07.2021 has sought information copy of complaint No.1411/ADGP-F dated 23.04.2021 alongwith police report and other information as enumerated in the RTI application concerning the office of DCP Amritsar. The complainant was not provided with the information after which the complainant filed a complaint in the Commission on 30.11.2021.

The case has come up for hearing today through video conferencing at DAC Amritsar. The respondent present pleaded that they received the RTI application of the complainant dated 06.07.2021, however, since the enquiry was pending at the time of the filing of the RTI, the reply was sent to the complainant vide letter dated 22.07.2021. The respondent further mentioned that from the latest report of the PC Branch, the enquiry has been completed and the above-mentioned complaint case has been closed. The status of information has been provided to the complainant vide letter dated 19.03.2022.

The complainant has received the information.

Since the information has been provided, no further course of action is required. The case is **disposed of and closed**.

Chandigarh
Dated: 23.05.2022

Sd/-
(Khushwant Singh)
State Information Commission



Sh Amardeep Singh, S/o Sh Chanan Singh,
R/o 1529/12, Street Karam Singh,
Chowk Karori, Tehsil & Distt Amritsar.

... Complainant

Versus

Public Information Officer,
O/o DCP,
Amritsar.

...Respondent

Complaint Case No. 1303 of 2021

PRESENT: Sh.Amardeep Singh as the Appellant
Sh.Bahadur Singh, Inspector for the Respondent

ORDER:

The complainant through an RTI application dated 08.09.2021 has sought information copy of complaint UID No.1985092/4-3-2021 and UID 1411-ADGP-F/23.04.2021 alongwith enquiry report and statements of parties and other information as enumerated in the RTI application concerning the office of DCP Amritsar. The complainant was not provided with the information after which the complainant filed a complaint in the Commission on 30.11.2021.

The case has come up for hearing today through video conferencing at DAC Amritsar. The respondent present pleaded that they received the RTI application of the complainant dated 08.09.2021, however since the enquiry was pending, the reply was sent to the complainant vide letter dated 21.10.2021. The respondent further mentioned that from the latest report of the PC Branch, the enquiry has been completed and the above-mentioned complaint case has been closed. The status of information has been provided to the complainant vide letter dated 19.03.2022 and the complainant has received the information.

Since the information has been provided, no further course of action is required. The case is **disposed of and closed**.

Sd/-

Chandigarh
Dated: 23.05.2022

(Khushwant Singh)
State Information Commission



Sh Budh Singh, S/o Sh Joginder Singh,
R/o Village Nawa Dala, Rajputta,
Tehsil Ajnala, Distt Amritsar.

... Complainant

Versus

Public Information Officer,
O/o SSP, Rural,
Amritsar.

...Respondent

Complaint Case No. 1297 of 2021

PRESENT: None for the Appellant
Sh.Rashminder Singh, ASI for the Respondent

ORDER:

The complainant through an RTI application dated 13.09.2021 has sought information on 07 points regarding zimni report relating to FIR No.72 dated 25.04.2019 filed Manjit Singh of village Mahal Kamboj Amritsar – the action taken against the accused Manjit on cancellation of the bail application by the High Court – list of I.Os after filing case – persons responsible for delay in filing challan in the court and other information as enumerated in the RTI application concerning the office of SSP Rural Amritsar. The complainant was not provided with the information after which the complainant filed a complaint in the Commission on 26.11.2021.

The case has come up for hearing today through video conferencing at DAC Amritsar. The respondent present pleaded that the information relates to a case No.72/21 dated 25.04.2019 which was filed against Sh.Manjit Singh and as per the report of SHO Police Station, Kamboj, the investigation is pending, the information cannot be provided under section 8(1)(h) of the RTI Act. The reply has been sent complainant.

The complainant is absent nor is represented.

Having gone through the record, the Commission observes that since this is a complainant case and the complainant has come to the Commission under the provision of Section 18 of the RTI Act, 2005 in which no directions for providing further information can be given by the Commission.

The Hon'ble Supreme Court of India in its Order dated 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 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 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.

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

Complaint Case No. 1297 of 2021

In view of the observations noted above, the instant case is remanded back to the concerned First Appellate Authority-cum-IGP Border Range, Amritsar with a copy of the RTI application for their ready reference and is also directed to call the complainant within 15 days of the receipt of the order, provide the information/reply pertaining to this RTI application. A compliance report of the same be sent to the Commission.

With the above observation and order, the case is **disposed of and closed**.

Chandigarh
Dated: 23.05.2022

Sd/-
(Khushwant Singh)
State Information Commission

CC to First Appellate Authority-cum-
IGP Border Range, Amritsar.