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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab



Yogesh Mahajan S/o Sh. Kuldip Raj Mahajan, Opposite Water Tank, Municipal Market, Mission Road, Pathankot (Punjab)

....Appellant

V/s

Public Information Officer, O/o The Executive Engineer, Punjab Water Supply And Sanitation, Division – 02, HYDE Market, Near National Shopping Complex Amritsar (Punjab)

First Appellate Authority, O/o The Superintending Engineer, Punjab Water Supply and Sanitation Circle, Amritsar (Punjab)

...Respondents

## Appeal Case No. 1806 of 2022

Present: Sh. Yogesh Mahajan, the appellant in person.

Sh. R. P. Singh, Executive Engineer, in person.

<u>ORDER</u>

Heard through facility of Software/application 'CISCO Webex Meetings'.

The RTI request is dated 06.01.2022. First appeal is dated 10.02.2022. Second appeal has been received in the Commission on 12.04.2022.

Sh. R. P. Singh, Executive Engineer, who appeared in person in today's hearing, states that complete information has already been supplied to the appellant.

The appellant, Sh. Yogesh Mahajan, who appeared in person in today's hearing, orally states that he has received the required information in the instant appeal-case and the case be closed.

Since complete information has been supplied by the respondent PIO and the appellant has also acknowledged that he has received the required information and has also given his consent to close the case, hence the instant appeal-case is announced as <u>disposed of and closed</u>.

Copies of the orders be sent to the parties.

(Sanjiv Garg)
State Information Commissioner
Punjab

Date: 24<sup>th</sup> August, 2022

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab



Yogesh Mahajan S/o Sh. Kuldip Raj Mahajan, Opposite Water Tank, Municipal Market, Mission Road, Pathankot (Punjab)

....Appellant

V/s

Public Information Officer, O/o The Executive Engineer, Punjab Water Supply And Sanitation, Abohar, Distt. - Fazilka (Punjab)

First Appellate Authority, O/o The Superintending Engineer, Punjab Water Supply and Sanitation Circle, Sri Muktsar Sahib (Punjab)

...Respondents

## Appeal Case No. 1808 of 2022

Present: Sh. Yogesh Mahajan, the appellant in person.

Sh. Ratan, S. D. O., on behalf of the respondent.

<u>ORDER</u>

Heard through facility of Software/application 'CISCO Webex Meetings'.

The RTI request is dated 06.01.2022. First appeal is dated 10.02.2022. Second appeal has been received in the Commission on 12.04.2022.

The appellant, Sh. Yogesh Mahajan, who appeared in person in today's hearing, states that no information has been given to him by the respondent PIO till date.

Sh. Ratan, S. D. O., on, who appeared on behalf of the respondent PIO in today's hearing, states that the information demanded through RTI request is ready and would be sent through registered post.

On this, the appellant, Sh. Yogesh Mahajan, states that if Sh. Sh. Ratan, S. D. O., fulfills his promise, then he will have no objection if the case is closed today itself.

Relying on the commitment, orally made by Sh. Sh. Ratan, S. D. O., during the proceeding of the hearing, the case is announced as <u>disposed of and closed</u> with the directions to supply the certified copies of the required information to the appellant through registered post or through an e-mail as well as a copy of the same be sent to the Commission.

Copies of the orders be sent to the parties.

(Sanjiv Garg)
State Information Commissioner
Punjab

Date: 24<sup>th</sup> August, 2022

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab



Yogesh Mahajan S/o Sh. Kuldip Raj Mahajan, Opposite Water Tank, Municipal Market, Mission Road, Pathankot (Punjab)

....Appellant

V/s

Public Information Officer, O/o The Executive Engineer, Punjab Water Supply And Sanitation, Division – 01, Bathinda (Punjab)

First Appellate Authority, O/o The Superintending Engineer, Punjab Water Supply and Sanitation Circle, Bathinda (Punjab)

...Respondents

# Appeal Case No. 1809 of 2022

Present: Sh. Yogesh Mahajan, the appellant in person.

Ms. Sunita Rani, Superintendent, on behalf of the respondent.

#### <u>ORDER</u>

Heard through facility of Software/application 'CISCO Webex Meetings'.

The RTI request is dated 06.01.2022. First appeal is dated 10.02.2022. Second appeal has been received in the Commission on 12.04.2022.

The appellant, Sh. Yogesh Mahajan, who appeared in person in today's hearing, states that no information has been given to him by the respondent PIO till date.

Ms. Sunita Rani, Superintendent, who appeared on behalf of the respondent PIO in today's hearing, states that the requisite information has already been supplied to the appellant. She also intimates that the remaining information, after removing the deficiencies, which were pointed out by the appellant, has also been supplied to him by registered post today itself i. e. 24.08.2022 and a reply has also been sent to the Commission.

As the respondent PIO has sent the remaining the information to the appellant today itself on 24.08.2022 and probably the same would be received by the appellant within coming two or three days.

On this, the appellant, Sh. Yogesh Mahajan, states he will have no objection if the case is closed today itself.

Since complete information has been supplied by the respondent PIO and the appellant has given his consent that he has no objection if the case is closed today itself, hence, the instant appeal-case is announced as <u>disposed and closed</u>.

Copies of the orders be sent to the parties.

(Sanjiv Garg)
State Information Commissioner
Punjab

Date: 24th August, 2022

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab



Yogesh Mahajan S/o Sh. Kuldip Raj Mahajan, Opposite Water Tank, Municipal Market, Mission Road, Pathankot (Punjab)

....Appellant

Public Information Officer, O/o The Executive Engineer, Punjab Water Supply And Sanitation, Division – 01, Bathinda (Punjab)

First Appellate Authority, O/o The Superintending Engineer, Punjab Water Supply and Sanitation Circle, Bathinda (Punjab)

...Respondents

# Appeal Case No. 1810 of 2022

V/s

Present: Sh. Yogesh Mahajan, the appellant in person.

Ms. Sunita Rani, Superintendent, on behalf of the respondent.

#### ORDER

Date: 24<sup>th</sup> August. 2022

Heard through facility of Software/application 'CISCO Webex Meetings'.

The appellant, Sh. Yogesh Mahajan, who appeared in person in today's hearing, states that no information has been given to him by the respondent PIO till date.

Ms. Sunita Rani, Superintendent, who appeared on behalf of the respondent PIO in today's hearing, states that the requisite information has already been supplied to the appellant. She also intimates that the remaining information, after removing the deficiencies, which were pointed out by the appellant, has also been supplied to him by registered post today itself i. e. 24.08.2022 and a reply has also been sent to the Commission.

As the respondent PIO has sent the remaining the information to the appellant today itself on 24.08.2022 and probably the same would be received by the appellant within coming two or three days.

On this, the appellant, Sh. Yogesh Mahajan, states he will have no objection if the case is closed today itself.

Since complete information has been supplied by the respondent PIO and the appellant has given his consent that he has no objection if the case is closed today itself, hence, the instant appeal-case is announced as <u>disposed and closed</u>.

Copies of the orders be sent to the parties.

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab



Kuldip Kumar Kaura (Retd. Lecturer), H. No. 5-C, Phase – 1, Urban Estate, Focal Point, Ludhiana – 141010(Punjab)

...Appellant

V/s

Public Information Officer, O/o The Commissioner(Zonal), Municipal Corporation, Ludhiana (Punjab)

First Appellate Authority, O/o The Commissioner(Zonal), Municipal Corporation, Ludhiana (Punjab)

Date: 24th August, 2022

...Respondents

## Appeal Case No. 234 of 2020

Present: None on behalf of the appellant.

None on behalf of the respondent.

#### **ORDER**

Heard through facility of Software/application 'CISCO Webex Meetings'.
The RTI request is dated 12.06.2020. First appeal is dated 21.07.2020. Second appeal has been received in the Commission on 31.08.2020.

On the last date of hearing, held on 09.05.2022;

- i) None of the parties were present.
- ii) No reply was received in the Commission from both the parties (i. e. the appellant and the respondent), intimating whether information supplied or whether the appellant received the information or not.
- iii) Hence, last opportunity was given to both the parties to represent this case in person or through their representative on the date fixed.

Neither the respondent PIO nor any of his representative is present in today's hearing.

The appellant, Sh. Kuldip Kumar Kaura, is not present in today's hearing but through an e-mail dated 22.08.2022, he has intimated the Commission that he has received the required information on 13.04.2022. It is taken on record.

Since complete information has been supplied by the respondent PIO and the appellant has also acknowledged that he has received the required information and, hence, the show-cause issued to the concerned respondent PIO vide orders dated 31.01.2022, is <u>dropped</u> and the instant appeal-case is announced as <u>disposed of and closed</u>.

Copies of the orders be sent to the parties.

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab



Nathu Ram S/o Sh. Mahavir Sihag, Village – Taja Patti, Tehsil – Abohar – 152122, Distt. - Fazilka(Punjab)

....Appellant

V/s

- i) Public Information Officer,
   O/o The District Education Officer(Sec.),
   Fazilka (Punjab)
- ii) Public Information Officer,
  O/o The Head Mistress,
  Govt. Middle School,
  Village Taja Patti,
  Tehsil Abohar,
  Distt. Fazilka (Punjab)
- iii) Public Information Officer, O/o The Block Primary Education Officer, Abohar - 02, Distt. - Fazilka (Punjab)

First Appellate Authority, O/o The District Education Officer(Sec.), Fazilka (Punjab)

...Respondents

# Appeal Case No. 4260 of 2021

Present: Sh. Nathu Ram, the appellant in person.

- i) Sh. Subash Chander, Senior Assistant O/o D.E.O.(Sec.), Fazilka;
- ii) Sh. Rajeev Kumar, Accountant O/o B.P.E.O., Abohar II, for the respondent.

#### ORDER

Heard through facility of Software/application 'CISCO Webex Meetings'.

The RTI request is dated 29.06.2021. First appeal is dated 02.08.2021. Second appeal has been received in the Commission on 20.09.2021.

On the last date of hearing, held on 09.05.2022;

- i) Last opportunity was given to the respondent PIO concerned to supply the certified copies of the remaining information at point no. 01 and 02 of the RTI request to the appellant through registered post with a copy to the Commission.
- ii) A show cause notice under Section 20 (1) of the RTI Act was issued to Public Information Officer concerned of office of District Education Officer(Sec.), Fazilka under the provisions of the RTI Act, 2005.

The appellant, Sh. Nathu Ram, who appeared in person in today's hearing, states that incomplete information has been given to him by the respondent PIO.

Appeal Case No. 4260 of 2021

-2-

Sh. Subash Chander, Senior Assistant O/o D.E.O.(Sec.), Fazilka, who appeared on

behalf of the respondent PIO in today's hearing, states that a reply has already been given to the

appellant vide letter no. 140928 dated 15.06.2022 intimating him that after verifying from incharge,

Civil Works Component of office of District Education Officer(Elem.), Fazilka, it emerged that for

the period from 01.01.2016 to 23.06.2021, neither any proposal was received nor any grant was

sanctioned. He further intimates that a reply 144095 dated 20.06.2022 (in response to the showcause issued vide orders dated 09.05.2022) has also been sent to the Commission, which has

been received in the Commission vide Diary No. 13426 dated 21.06.2022. Both the above-said

replies are taken on record.

Sh. Rajeev Kumar, Accountant O/o B.P.E.O., Abohar - II, who appeared on behalf of

the respondent PIO in today's hearing, states that a reply has already been given to the appellant

vide letter no. vide letter no. 04 dated 28.04.2022, which has been received in the Commission vide

Diary No. 9424 dated 06.05.2022, intimating him that that the requisite information at point no. 03

and 04 of the RTI request has already been supplied to him and for information at point no. 01

and 02 of the RTI request, a reply dated 27.04.2022 in an affidavit signed by Incharge, Govt.

Middle School, Village - Taja Patti has been given to the appellant. Both the above-said replies are

taken on record.

After going over the queries raised by the appellant through his RTI request and

the replies (dated 27.04.2022 and 15.06.2022) sent by the respondent PIOs concerned and finding

it satisfactory, no cause of action is left in this case, hence, the show-cause issued to the

concerned respondent PIO vide orders dated 09.05.2022, is dropped and the instant appeal-case

is announced as disposed and closed.

Copies of the orders be sent to the parties.

Date: 24<sup>th</sup> August, 2022

(Sanjiv Garg) **State Information Commissioner** 

Punjab

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab



Sarabjit Singh Gill, H. No. 60-35-P-376/1, Street – 08, Maha Singh Nagar, P. O. – Dhandari Kalan, Ludhiana - 141014 (Punjab)

....Appellant

V/s

Public Information Officer, O/o The Principal Secretary to Government of Punjab, Deptt. of Local Government, Municipal Bhawan, Sector 35 - A, Plot No. 03, Chandigarh

First Appellate Authority, O/o The Principal Secretary to Government of Punjab, Deptt. of Local Government, Municipal Bhawan, Sector 35 - A, Plot No. 03, Chandigarh

...Respondents

## Appeal Case No. 2068 of 2021

Present: None on behalf of the appellant in person.

Sh. Sukhdev Singh, Superintendent (LG-I Branch), on behalf of the respondent.

#### **ORDER**

Heard through facility of Software/application 'CISCO Webex Meetings'.

The RTI request is dated 05.02.2021. First appeal is dated 06.03.2021. Second appeal has been received in the Commission on 28.04.2021.

On the last date of hearing, held on 09.05.2022;

- i) The respondent PIO through a reply vide letter no. 213 dated 31.01.2022 had intimated the Commission that a reply was given to the appellant intimating him that the complaint, regarding which information is demanded, was not received in the office.
- ii) Sh. Gurmej Lal (representative of the appellant, Sh. Sarabjit Singh Gill) could not make himself audible to intimate the status of the instant appeal-case during the proceedings of the case.
- iii) Last opportunity was given to both the parties to represent this case in person or through their representative on the date fixed to intimate the status of the instant appeal-case.

Sh. Sukhdev Singh, Superintendent (LG-I Branch),, who appeared on behalf of the respondent PIO in today's hearing, states that the complaint regarding which information is demanded, has not been received in the office and a replies have been sent to the appellant time and again to provide the said complaint (regarding which information is demanded) so that the required information could be supplied but he did not provide the same.

Contd...2/-

Appeal Case No. 2068 of 2021

-2-

After examining the documents placed on record, it is also found that the respondent PIO through a reply vide letter no. 213 dated 31.01.2022 signed by PIO-cum-Superintendent, LG-1 Branch, which has been received in the Commission vide Diary No. 3906 dated 24.02.2022, has intimated the Commission that a reply has already been given to the appellant intimating him that the complaint, regarding which information is demanded, has not been received in the office and the same be provided so that information could be supplied. It is taken on record.

The appellant, Sh. Sarabjit Singh Gill, is absent from today's hearing without any intimation to the Commission. He has neither sent the complaint (regarding which information is demanded through RTI request ) to the respondent PIO nor to the Commission.

In view of the above, it is assumed that the appellant either does not require the information anymore or not interested to pursue this case further and hence instant appeal-case is announced as <u>disposed of and closed</u>.

Copies of the orders be sent to the parties.

Date: 24<sup>th</sup> August, 2022

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab



Mohit Guru S/o Sh. Dilip Kumar, H. No. B-2 698/6-E, Chhawni Mohalla, Ludhiana (Punjab)

....Appellant

V/s

Public Information Officer, O/o The Director, Deptt. of Local Government, Punjab, Municipal Bhawan, Sector 35 - A, Plot No. 03, Chandigarh

First Appellate Authority, O/o The Director, Deptt. of Local Government, Punjab, Municipal Bhawan, Sector 35 - A, Plot No. 03, Chandigarh

...Respondents

# Appeal Case No. 3574 of 2021

Present: None on behalf of the appellant.

Sh. Kuldeep Singh, Senior Assistant(Municipal Services Cell), on behalf of the

respondent.

**ORDER** 

Date: 24th August, 2022

Heard through facility of Software/application 'CISCO Webex Meetings'.

The RTI request is dated 23.04.2021. First appeal is dated 04.06.2021. Second appeal has been received in the Commission on 06.08.2021.

On the last date of hearing, held on 09.05.2022;

- i) Neither the appellant, Sh. Mohit Guru nor the respondent was present
- ii) As no reply was received in the Commission from any of the parties (i. e. the appellant and the respondent), intimating whether inspection of the relevant official record has been done or whether the appellant received the information or not.
- iii) Last opportunity was given to both the parties to represent this case in person or

Sh. Kuldeep Singh, Senior Assistant(Municipal Services Cell), who appeared on behalf of the respondent PIO in today's hearing, states that the appellant has not visited the office on 24.03.2022 as directed vide orders dated 02.02.2022 or afterwards till date.

The appellant, Sh. Mohit Guru, , was absent on the last date of hearing, held on 09.05.2022. He is again absent from today's hearing without any intimation to the Commission. He has neither visited the office of the respondent on 24.03.2022 as directed vide orders dated 02.02.2022 nor approached the Commission with any contrary claim.

In view of the above, it is assumed that the appellant either does not require the information anymore or not interested to pursue this case further and hence instant appeal-case is announced as <u>disposed of and closed</u>.

Copies of the orders be sent to the parties.

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab



Avtar Singh S/o Sh. Tirath Singh, Village – Mastiwal, P. O. – Garhdiwala, Tehsil - Dasuha - 144207, Distt. - Hoshiarpur(Punjab)

Commission on 26.11.2021.

.... Complainant

V/s

Public Information Officer, O/o The Executive Engineer, Punjab Water Supply And Sanitation, Sub Division – 02, Talwara, Distt. - Hoshiarpur (Punjab)

...Respondents

# Complaint Case No. 1300 of 2021

Present: None on behalf of the complainant.

None on behalf of the respondent.

**ORDER** 

Heard through facility of Software/application 'CISCO Webex Meetings'.

The RTI request is dated 13.09.2021. The complaint has been received in the

This case was last heard on 04.05.2022;

- i) Sh. Satpal Singh, S. D. O., stated that the requisite information was supplied to the complainant vide letter no. 650 dated 25.04.2022 through registered post.
- ii) The complainant, Sh. Avtar Singh, was not present.
- iii) An opportunity was given to the complainant to confirm whether he received the information (sent vide letter dated 25.04.2022) or not and also to point out deficiencies, if any, in the information supplied to him, in writing, to the respondent PIO well in time so that the same could be removed by the respondent concerned.

Neither the respondent PIO nor any of his representative is present in today's

hearing.

After examining the documents placed on record, it is found that the requisite information has already been supplied by the respondent PIO to the complainant vide letter no. 650 dated 25.04.2022 through registered post. It, alongwith a copy of supplied information is placed in the case-file.

The complainant, Sh. Avtar Singh, was absent on the last date of hearing, held on 04.05.2022. He is again absent from today's hearing without any intimation to the Commission. He has neither pointed out any deficiency in the information supplied to him, to the respondent-PIO, nor approached the Commission with any contrary claim in that regard.

In view of the above, it is assumed that the appellant has received the required information and is satisfied with the same, hence, the instant complaint-case is announced as disposed and closed.

Copies of the orders be sent to the parties.

(Sanjiv Garg)
State Information Commissioner
Punjab

Date: 24<sup>th</sup> August, 2022

Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab

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**Gurdev Singh** 

S/o Sh. Joginder Singh, Village – Dharampur, Tehsil – Mukerian, Distt. - Hoshiarpur(Punjab)

.... Complainant

V/s

Public Information Officer, O/o The Block Development and Panchayat Officer, Talwara, Distt. - Hoshiarpur (Punjab)

...Respondents

## Complaint Case No. 68 of 2022

Present: Sh. Gurdev Singh, the complainant.

- i) Sh. Sukhbir Pal Singh, B.D.P.O., Talwara, in person;
- ii) Sh. Madan Lal, Panchayat Secretary, Dharampura, for the respondent.

#### <u>ORDER</u>

Heard through in the Commission.

The RTI request is dated 30.06.2021. The complaint has been received in the Commission on 24.01.2022.

On the last date of hearing, held on 13.06.2022;

- i) The complainant was advised to visit the office of the respondent PIO on 14.06.2022 or 15.06.2022 at 10:00 A. M. to identify the remaining information.
- ii) The respondent PIO concerned was directed to facilitate the appellant to inspect the relevant official record during his visit to the office and supply the remaining information to the appellant ( which would be identified by him) with a copy to the Commission.
- iii) An opportunity was also given to the appellant to confirm whether he received the information or not.

The complainant, Sh. Gurdev Singh, who appeared in person in today's hearing, states that he visited the office of the respondent but no information has been given to him by the respondent PIO.

Sh. Sukhbir Pal Singh, B.D.P.O., Talwara, who appeared in person with Sh. Madan Lal, Panchayat Secretary, Dharampura, in today's hearing states that he has joined recently in the office, moreover, examining of the case-file reflects that the RTI request of the complainant was transferred under Section 6 (3) of the RTI Act vide letter no. 1829 dated 24.08.2021 by the then B.D.P.O., Talwara to Panchayat Secretary, Gram Panchayat, Dharampura. It, alongwith a copy of letter no. 1829 dated 24.08.2021, is taken on record.

Sh. Madan Lal, Panchayat Secretary, Dharampura, who appeared in today's hearing, states that information of 148 pages has already been given to the complainant.

After hearing both the parties and examining the documents placed on record, it is found that in response to the RTI request, the required information has been given to the complainant.

Moreover, according to para 30 and 31 of the judgment passed by the Hon'ble Supreme Court of India in Civil Appeal no. 10787 to 10788 of 2011 in a case; Chief Information Commissioner & another V/s State of Manipur and another before Ld. Judges - Sh. Asok Kumar Ganguly and Gyan Sudha Misra, the Commission could not allow to information seeker(complainant) to have access of the information under Section 18 of the RTI Act, 2005;

As the complainant has not exhausted the channel of approaching First Appellate Authority under Section 19 of the RTI Act and the Commission could not allow access to the information to the Information seeker in a complaint case as the only remedy available to the information-seeker is given in Section 19 of the RTI Act, hence, the instant complaint case is remanded to First Appellate Authority, who is District Development and Panchayat Officer, Hoshiarpur, with the directions to decide the case as per provisions of the RTI Act, after giving due opportunity to the parties concerned, examining the evidences, documents placed on record/submitted by the parties concerned and subsequently pass a speaking order within forty five days from the receipt of this order. A copy of the RTI request of the applicant be also enclosed for ready reference of First Appellate Authority, who will treat it as first appeal. A copy of this order be sent to him through registered post

If concerned First Appellate Authority will not announce any order in the instant complaint case within forty five days or after decision/announcement of First Appellate Authority, if the complainant would not be satisfied with the decision/announcement (which would be announced) by the First Appellate Authority, he is free to approach the Commission by way of second appeal.

With this, the case is announced as <u>disposed of and closed</u>
Copies of the orders be sent to the parties.

Date: 24th August, 2022

(Sanjiv Garg)
State Information Commissioner
Punjab

CC:

(Regd. Post)

First Appellate Authority-cum-- District Development and Panchayat Officer, Hoshiarpur (Punjab)

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab



**Gurdev Singh** 

S/o Sh. Joginder Singh, Village – Dharampur, Tehsil – Mukerian,

Distt. - Hoshiarpur(Punjab)

.... Complainant

V/s

Public Information Officer, O/o The Block Development and Panchayat Officer, Talwara, Distt. - Hoshiarpur (Punjab)

...Respondents

# Complaint Case No. 69 of 2022

Present: Sh. Gurdev Singh, the complainant.

- i) Sh. Sukhbir Pal Singh, B.D.P.O., Talwara, in person;
- ii) Sh. Madan Lal, Panchayat Secretary, Dharampura, for the respondent.

#### <u>ORDER</u>

Heard through in the Commission.

The RTI request is dated 30.06.2021. The complaint has been received in the Commission on 24.01.2022.

On the last date of hearing, held on 13.06.2022;

- i) The complainant was advised to visit the office of the respondent PIO on 14.06.2022 or 15.06.2022 at 10:00 A. M. to identify the remaining information.
- the respondent PIO concerned was directed to facilitate the appellant to inspect the relevant official record during his visit to the office and supply the remaining information to the appellant ( which would be identified by him) with a copy to the Commission.
- iii) An opportunity was also given to the appellant to confirm whether he received the information or not.

The complainant, Sh. Gurdev Singh, who appeared in person in today's hearing, states that he visited the office of the respondent but no information has been given to him by the respondent PIO.

Sh. Sukhbir Pal Singh, B.D.P.O., Talwara, who appeared in person with Sh. Madan Lal, Panchayat Secretary, Dharampura, in today's hearing states that he has joined recently in the office, moreover, examining of the case-file reflects that the RTI request of the complainant was transferred under Section 6 (3) of the RTI Act vide letter no. 1829 dated 24.08.2021 by the then B.D.P.O., Talwara to Panchayat Secretary, Gram Panchayat, Dharampura. It, alongwith a copy of letter no. 1829 dated 24.08.2021, is taken on record.

Sh. Madan Lal, Panchayat Secretary, Dharampura, who appeared in today's hearing, states that the required information has already been given to the complainant.

After hearing both the parties and examining the documents placed on record, it is found that in response to the RTI request, the required information has been given to the complainant.

Moreover, according to para 30 and 31 of the judgment passed by the Hon'ble Supreme Court of India in Civil Appeal no. 10787 to 10788 of 2011 in a case; Chief Information Commissioner & another V/s State of Manipur and another before Ld. Judges - Sh. Asok Kumar Ganguly and Gyan Sudha Misra, the Commission could not allow to information seeker(complainant) to have access of the information under Section 18 of the RTI Act, 2005;

As the complainant has not exhausted the channel of approaching First Appellate Authority under Section 19 of the RTI Act and the Commission could not allow access to the information to the Information seeker in a complaint case as the only remedy available to the information-seeker is given in Section 19 of the RTI Act, hence, the instant complaint case is remanded to First Appellate Authority, who is District Development and Panchayat Officer, Hoshiarpur, with the directions to decide the case as per provisions of the RTI Act, after giving due opportunity to the parties concerned, examining the evidences, documents placed on record/submitted by the parties concerned and subsequently pass a speaking order within forty five days from the receipt of this order. A copy of the RTI request of the applicant be also enclosed for ready reference of First Appellate Authority, who will treat it as first appeal. A copy of this order be sent to him through registered post

If concerned First Appellate Authority will not announce any order in the instant complaint case within forty five days or after decision/announcement of First Appellate Authority, if the complainant would not be satisfied with the decision/announcement (which would be announced) by the First Appellate Authority, he is free to approach the Commission by way of second appeal.

With this, the case is announced as <u>disposed of and closed</u>.

Copies of the orders be sent to the parties.

Date: 24<sup>th</sup> August, 2022

(Sanjiv Garg)
State Information Commissioner
Punjab

CC:

(Regd. Post)

First Appellate Authority-cum-- District Development and Panchayat Officer, Hoshiarpur (Punjab)