

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, NEAR ROSE GARDEN,
SECTOR 16, CHANDIGARH.

Ph: 0172-2864116, Email: - psic26@punjabmail.gov.in

Visit us: - www.infocommpunjab.com, CISCO WEBEX CODE:15857-23975

Helpline No.: 0172-2864100 (From 10.00 AM to 04.00 PM on working days)



Shri Ramesh Kumar, Advocate

R/o H.No.259, First Floor,
Sector-32A, Chandigarh.

.....Appellant

Versus

Public Information Officer

O/o Chairperson,
Real Estate Regulatory Authority,
Sector-18, Chandigarh.

First Appellate Authority

O/o Chairperson,
Real Estate Regulatory Authority,
Sector-18, Chandigarh.

...Respondents

AC No.4608/2021

Present:

- (i) **Shri Ramesh Kumar, Appellant.**
- (ii) **Shri Jaspal Singh, Assistant Manager, Ms. Navdeep Kaur, Executive, (Legal) and Shri Pardeep Kumar, Executive (General) on behalf of the PIO/Respondent, in person.**

ORDER

(Heard in person /through Cisco Webex)

1. The RTI application is dated 16.04.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 25.06.2021 and the second appeal was filed in the Commission on 11.10.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 01.02.2022 through cisco webex but the same could not be heard on that date and was fixed for today. Accordingly, the case has been heard today. Shri Ramesh Kumar, appellant comes present to attend the hearing through cisco webex. He states that the information sought by him has not been supplied.
3. Shri Jaspal Singh, Assistant Manager, Ms. Navdeep Kaur, Executive, (Legal) and Shri Pardeep Kumar, Executive (General) on behalf of the PIO/Respondent come present to attend the hearing in person before the Bench. Shri Jaspal Singh states that the appellant has sought copy of Rules and Regulations under which the Engineering Certificate submitted by a

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Computer Science Engineer has been accepted in respect of the projects mentioned in his RTI Application and further states that the submissions have been submitted before the Bench vide letter dated 01.02.2022. He further states that as per provision under the Real Estate (Regulation & Development) Act, 2016, 'engineer' means a person who possesses a Bachelor's degree or equivalent from an institution recognized by All India Council of Technical Education or any University or any institution recognized under a law or is registered as an engineer could sign the engineering certificate as per earlier rule/policy. He further states that now, RERA has issued notification dated 20th January, 2022 published in Punjab Govt. gazette on 18.03.2022 whereby amendment has been made as under:-

“(vi) "engineer" means a person who possesses a bachelor's degree in the discipline of Civil Engineering, from an institution recognized by All India Council of Technical Education or any University or any institution recognized under a law or is registered as an engineer under any law for the time being in force”.

4. On the asking of the Bench, the appellant states that he has sought copy of the Rules/Regulations based on which the engineering certificate of a Computer Science Engineer has been accepted but he has not been provided the documents as sought by him.

5. Post deliberations, the Bench apprises the appellant of the version of the representative of PIO. The Bench also apprises the appellant that the PIO has filed written submissions in this regard before the Bench and further that, now RERA has also carried out amendment in the relevant RERA Act wherein an "Engineer" possessing a degree in Civil Engineering only has been authorised to issue engineering certificate. He is apprised that copy of the written submissions of the PIO as well as copy of the notification regarding the amendment made would be sent to him along with the order.

6. In view of the above, the Bench does not feel need for further intervention in the matter. **The instant appeal case is disposed off and closed.** Copies of the order be sent to the concerned parties.

Sd/-

**Chandigarh
25.04.2022**

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

Encl: Written Submissions of PIO and Notification regarding amendment.

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Shri Jaspreet Singh Grewal,
S/o Shri Harbhajan Singh Grewal,
R/o H.No.371, Village Daad,
Near Silver Oak Resort,
Pakhawal Road, Ludhiana-142022.

.....Appellant

Versus

Public Information Officer
O/o Greater Ludhiana Area Development
Authority (GLADA), Ludhiana.

Remanded Back

First Appellate Authority
O/o Mrs. Shikha Bhagat, Assistant Chief Administrator,
GLADA, Ludhiana.

...Respondent

CC No.1207/2021

Present: (i) **None for the complainant.**
(ii) **Shri Sumit Singla, Sr. Assistant on behalf of the respondent.**

ORDER

(Heard through cisco webex)

1. The RTI application is dated 14.07.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 08.10.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 01.02.2022 through cisco webex but the same could not be heard on that date and was fixed for today. The case has been heard today through cisco webex. Shri Jaspreet Singh Grewal, the complainant has not come present to attend the hearing either in person before the Bench or through cisco webex.
3. **Shri Sumit, Sr. Assistant**, O/o GLADA, Ludhiana comes present to attend the hearing through cisco webex. He states that the information asked for by the complainant is third party information as he has sought information relating to GLADA ESTATE Project on Sua Road, Ludhiana that is being developed for the purpose of public interest and has not been supplied to the appellant, being third party information. The Bench, however, does not agree with the contention of the PIO on denial of information.
4. Post deliberations, 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 Information Commissioner and another Versus State of

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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. Smt. Shikha Bhagat, Addl. Chief Administrator, GLADA, 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
25.04.2022**

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

Copy to (By Regd. Post):

First Appellate Authority, Smt. Shikha Bhagat, Addl. Chief Administrator, GLADA, Ludhiana.

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Shri Jagdev Singh,
S/o Shri Jalour Singh,
R/o Village & PO Lakha,
Tehsil Jagraon, District Ludhiana.

.....Appellant

Versus

Public Information Officer
O/o Sub Divisional Officer
Sub Division, Punjab State Power
Corporation Ltd.(PSPCL), Lakha,
Tehsil Jagraon, District Ludhiana.

First Appellate Authority
O/o Chief Engineer
Central Zone, Punjab State Power
Corporation Ltd.(PSPCL), Ludhiana.

...Respondents

AC No.4533/2021

Present: (i) **Shri Jagdev Singh, the appellant.**
(ii) **Shri Kesar Singh, Addl.S.E. and Shri Gurmeet Singh, Revenue Accountant, Sub Division, PSPCL, Lakha, Distt. Ludhiana, on behalf of the PIO/respondent, in person.**

ORDER

(Heard through cisco webex/in person)

1. The RTI application is dated 07.11.2020 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 22.12.2020 and the second appeal was filed in the Commission on 01.10.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 01.02.2022 through cisco webex but the same could not be heard on that date and fixed for today. The case has been heard today through cisco webex. Shri Jagdev Singh, appellant comes present to attend the hearing through cisco webex and states that the respondent has not sent any satisfactory reply to him so far.
3. Shri Kesar Singh, Addl.S.E. and Shri Gurmeet Singh, Revenue Accountant, Sub Division, PSPCL, Lakha, Distt. Ludhiana, come present to attend the hearing on behalf of the PIO/respondent in person before the Bench. Shri Kesar Singh, Addl.SE states that information as available in the official records has already been supplied to the appellant vide letter dated

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AC No.4533/2021

03.02.2022. He further adds that he has brought the same today for the hearing in Commission. He states that copy of the Electricity Supply Instructions Manual has also been given to the appellant in which it has clearly been mentioned under Clause No. 56 that the consumer will be responsible for any loss or damage to the meter. He further states that point-wise information has already been supplied to him.

4. On the asking of the Bench, the appellant states that he has not been provided the documents as sought by him.

5. The Bench has heard both the appellant and the respondents in detail. The appellant has raised certain issues. The Bench directs the PIO to send reply to the appellant again by registered post. Copy of the information which has been filed by the respondent today during the proceedings be sent to the appellant along with the order of the Bench also.

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
25.04.2022**

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

Encl: Copy of letter dated 03.02.2022.

**PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, NEAR ROSE GARDEN,
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Shri Rohit Sabharwal
Kundan Bhawan,
#126, Model Gram,
Ludhiana.

.....Appellant

Versus

Public Information Officer
O/o Municipal Corporation
Zone-A, Ludhiana.

First Appellate Authority
O/o Municipal Corporation,
Ludhiana.

....Respondents

AC No.2053 of 2020

Present: (i) **None on behalf of the Appellant.**
(ii) **Shri Sagar Garg, SDO, on behalf of PIO, Zone-A, M.C. Ludhiana, in person.**

ORDER:

1. This order may be read with reference to the order dated 29.03.2022 passed by this Bench on the previous hearing.
2. The case has been heard today. The appellant is absent for today's hearing without any intimation to the Commission.
3. Shri Sagar Garg, SDO, comes present to attend the hearing in person on behalf of PIO, Zone-A, M.C. Ludhiana. He states that complete information has been supplied to the appellant vide letter dated 31.03.2022 by registered post.
4. The representative of the appellant Ms. Sukhjinder Kaur is contacted on mobile phone. She is apprised of the version of the representative of PIO, upon which, she confirms the receipt of reply from MC, Zone-A, Ludhiana and gives consent to close the case.
5. In view of the above, no further cause of action is left in the matter. **The instant appeal case is disposed off and closed.** Copies of the Order be sent to the concerned parties.

**Chandigarh
25.04.2022**

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