

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

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



Shri Satwant Singh Sandhu Er.,  
Dy.Chief Engineer (Retd.),Ex-Member,  
Permanent Lok Adalat,Fatehgarh  
R/o H.No.827, Phase-3B1, Sector-60,  
Mohali-160059.

.....Appellant

Versus

**Public Information Officer**  
Estate Officer  
Greater Mohali Area Development  
Authority (GMADA), Mohali.

**First Appellate Authority**  
Estate Officer  
Greater Mohali Area Development  
Authority (GMADA), Mohali.

...Respondents

**AC No.4183/2021**

**Present:** (i) **Shri Satwant Singh Sandhu, Appellant, in person.**  
(ii) **Shri Gurwinder Singh, AEO/PIO on behalf of the PIO/respondent.**

**ORDER**

**(Heard in person/through cisco webex)**

1. This order may be read with reference to the order dated 10.01.2022 passed by this Bench during the previous hearing.
2. The case has been heard today. Shri Satwant Singh Sandhu, appellant comes present to attend the hearing in person before the Bench. He reiterates his statement as made during the previous hearing highlighting that adjoining his house some illegal huts and toilets have come up and they must be removed.
3. Shri Gurwinder Singh, Assistant Estate Officer/ PIO O/o GMADA, Mohali comes present to attend the hearing through cisco webex and states that the person concerned who has encroached upon the land at backside of house of appellant has been issued notice for removal of the same vide letter dated 23.11.2021.
4. The appellant, on apprising of the version of the PIO, states that he has not received the said notice. The Bench clarifies to the appellant that the information asked for by him is actually not information but it is an executive action to be taken by GMADA. Then the appellant states that he has sought action taken report with regard to a complaint made in this regard. The Bench observes that as informed by the PIO, the



-2-

**AC No.4183/2021**

action for the removal of encroachment as pointed out by the appellant has been taken by GMADA. The PIO is directed to send a copy of the said notice to the appellant along with a copy to the Commission and is also directed to file reply to the show cause notice.

5. In view of the above, the Bench does not feel need for further intervention in the mater. **The appeal case is disposed off and closed.** Copy of the order be sent to the parties.

**Chandigarh  
27.06.2022**

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

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Shri Jagjit Singh  
R/o Aman Nagar, Street NO.3  
B/S Green Land School,  
Near Jalandhar By-pass,  
Ludhiana.

.....Appellant

Versus

**Public Information Officer**  
O/o GLADA,  
Ludhiana.

**First Appellate Authority**  
O/o GLADA  
Ludhiana.

...Respondents

**AC No.4200/2021**

**Present:** (i) Appellant- absent.  
(ii) Shr Divleen Singh, SDO Electrical, GLADA, Ludhiana,PIO/respondent.

**ORDER**

**(Heard through cisco webex/on mobile phone)**

1. This order may be read with reference to the order dated 10.01.2022 passed by this Bench during the previous hearing.
2. The case has been heard today in Commission's office at Chandigarh. Shri Jagjit Singh, appellant has not come present to attend the hearing in person or through cisco webex.
3. Shri Divleen Singh, SDO Electrical, PIO O/o Chief Administrator, GLADA, Ludhiana comes present to attend the hearing through cisco webex. He states that the information has been sent to the appellant vide letter dated 24.06.2022 by registered post.
4. The appellant is contacted on mobile phone. On the asking of the Bench, the appellant states that he has received copies of complaints comprising 92 pages, but he has not been supplied copy of the register on which the entries regarding receipt of complaints are made. The PIO is apprised of the version of the appellant and he states that no such register is being maintained.
5. Post deliberations, the Bench directs the PIO to file an affidavit on non-judicial stamp paper, within 21 days (twenty one) 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.4200/2021 has been supplied to the appellant. It be further stated that nothing has been concealed therein and the information supplied to the appellant is true and correct. The original affidavit be sent to the appellant and copy of the same be sent to the Commission for record.

Cont..P-2



-2-

**AC No.4200/2021**

6. With the aforesaid directions, **the instant appeal case is disposed off and closed.** Copies of the orders be sent to the parties.

**Chandigarh  
27.06.2022**

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

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Shri Bawa Bhulinder Singh,  
S/o Shri Dalip Singh  
R/o Abadi Mata Ganga Ji Nagar,  
Gurdwara Khoo Bhai Manj Sahib,  
Tarn Taran Road,  
Amritsar-143001.

.....Appellant

Versus

**Public Information Officer**

O/o Punjab State Power Corpn. Ltd.  
(PSPCL), Amritsar.

**First Appellate Authority**

O/o Chief Engineer, Border Range,  
Punjab State Power Corpn.Ltd.  
(PSPCL), Amritsar.

...Respondents

**AC No.4235/2021**

**Present:**

- (i) Appellant- absent.
- (ii) Shri Varinder Kumar, Sub Divisional Clerk, Sub Division, PSPCL Ghee Mandi, Amritsar, On behalf of PIO/Respondent.

**ORDERR**

**(Heard through cisco webex/on mobile phone)**

1. This order may be read with reference to the order dated 10.01.2022 passed by this Bench during the previous hearing.
2. The case has been heard today in Commission's office at Chandigarh. Shri Bawa Bhulinder Singh, appellant has not come present to attend the hearing in person or through cisco webex.
3. Shri Varinder Kumar, Sub Divisional Clerk, Sub Division, PSPCL, Ghee Mandi, Amritsar comes present to attend the hearing through cisco webex on behalf of the PIO and states that information has been sent to the appellant vide letter dated 27.05.2022 by registered post.
4. The appellant Shri Bawa Bhulinder Singh is contacted on mobile phone. He states that as his wife is admitted in hospital, as such, he could not attend the hearing through cisco webex and further states that he is not satisfied with the information supplied. The representative of the PIO, on the asking of the Bench, states that the information as available in the official records has been supplied to the appellant and beyond that, nothing is available in the official records.

Cont..P-2



-2-

**AC No.4235/2021**

5. Post deliberations, the Bench directs the PIO to file an affidavit on non-judicial stamp paper, within 21 days (twenty one) 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.4235/2021 has been supplied to the appellant. It be further stated that nothing has been concealed therein and the information supplied to the appellant is true and correct. The original affidavit be sent to the appellant and copy of the same be sent to the Commission for record.

6. With the aforesaid directions, **the instant appeal case is disposed off and closed.** Copies of the order be sent to the parties.

**Chandigarh  
27.06.2021**

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

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Shri Ankit Grover  
# 29, Vijay Colony,  
Fazilka-152123.

.....Appellant

Versus

**Public Information Officer**  
O/o Executive Officer,  
Municipal Council,  
Fazilka, District Fazilka.

**First Appellate Authority**  
O/o Deputy Director,  
Local Bodies, Ferozepur.

....Respondents

**AC No.4176 of 2021**

**Present:** (i) **Shri Chirag Girdhar, Advocate with the Appellant Shri Ankit Grover in person.**  
(ii) **Shri Mangat Ram, Executive Officer, PIO/Respondent and Shri Prem Kumar, Works Clerk, M.C. Fazilka, in person .**

**ORDER**

1. This order may be read with reference to the order dated 10.01.2022 passed by this Bench during the previous hearing.
2. The case has been heard today in Commission's office at Chandigarh. Shri Ankit Grover, appellant along with Shri Chirag Girdhar comes present to attend the hearing in person. The counsel for the appellant produces before the Bench written submissions on behalf of the appellant and expresses dissatisfaction of the appellant over the reply given to the appellant..
3. Shri Mangat Ram, Executive Officer, PIO/Respondent and Shri Prem Kumar, Works Clerk, Municipal Council, Fazilka come present to attend the hearing in person before the Bench. Shri Prem Kumar states that the reply to the appellant has been sent vide letter dated 22.10.2021 by registered post and again vide letter dated 25.03.2022 that the information asked for is third party information and hence, denied.
4. The Bench, on perusing the RTI application and hearing the version of the PIO/his representative, agrees with the contention of the PIO that the information has rightly been denied as it is personal information serving no public activity or interest and hence, denied as per provisions under Section 8(1)(j) of RTI Act, 2005.



-2-

**AC No.4176/2021**

5. In view of the above, no further intervention by the Bench is required. **The instant appeal case is disposed off and closed.** Copies of the order be sent to the concerned parties.

**Chandigarh  
27.06.2022**

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

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Shri Jaswinder Singh  
S/o Late Shri Amarjit Singh  
R/o Village Rasulpur, Block Majri,  
District Mohali.

.....Complainant

Versus

**Public Information Officer**

O/o Panchayat Secretary,  
Gram Panchayat, Rasulpur,  
Block Majri, Distt. Mohali.

**Remanded Back**

**First Appellate Authority**

O/o District Development and  
Panchayat Officer, Mohali.

....Respondents

**CC No.1312/2021**

**Present:** (i) **Shri Jaswinder Singh, Complainant, in person.**  
(ii) **None on behalf of the PIO/respondent..**

**ORDER**

1. The RTI application is dated 07.09.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 06.12.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 27.06.2022. The case has been heard today. Shri Jaswinder Singh, complainant comes present to attend the hearing in person before the Bench. He states that no information has been provided to him by the PIO. He has, however, received partial information with the intervention of the ADC (Development), Mohali.
3. Neither the PIO/Panchayat Secretary, Gram Panchayat, Rashulpur, District Mohali has come present to attend the hearing in person before the Bench nor through cisco webex nor the complainant has been given complete information.
4. The Bench observes that the complainant admits the receipt of partial information and has directly approached the Commission by preferring complaint in the Commission. The Bench further observes that the complainant has not availed the provision of 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 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 Baljinder Singh Grewal, District Development & Panchayat Officer, Mohali**. 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 hear the complainant within ten days 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  
27.06.2022

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

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

**First Appellate Authority, Shri Baljinder Singh Grewal,  
District Development and Panchayat Officer, Mohali.**

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Shri Jaswant Singh  
S/o Late Shri Bhajan Singh  
R/o H.No.30, Sun City,  
Ward No.6, Village Jasia,  
Ludhiana.

.....Complainant

Versus

**Public Information Officer**  
O/o Assistant Commissioner of Police,  
Head Quarters, Ludhiana.

**Remanded Back**  
**First Appellate Authority**  
O/o Commissioner of Police,  
Ludhiana.

....Respondents

**CC No.1313/2021**

**Present:** (i) **Shri Jaswant Singh, Complainant, in person.**  
(ii) **None on behalf of the PIO/respondent..**

**ORDER**

1. The RTI application is dated 01.09.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 03.12.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 27.06.2022. The case has been heard today. Shri Jaswant Singh, complainant comes present to attend the hearing in person before the Bench. He states that he has sought information on a complaint made by him to the Commissioner of Police, Ludhiana but no information has been provided to him by the PIO.
3. Neither the PIO O/o Assistant Commissioner of Police, Head Quarters, Ludhiana has come present to attend the hearing in person before the Bench nor through cisco webex nor the complainant has been supplied any information.
4. The Bench observes that the complainant has not received any information and has directly approached the Commission by preferring complaint in the Commission. The Bench further observes that the complainant has not availed the provision of 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 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 Kaustav Sharma, Commissioner of Police, 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 hear the complainant within ten days 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  
27.06.2022**

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

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

**First Appellate Authority, Shri,  
Commissioner of Police, Ludhiana.**

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Shri Ashok Kumar  
S/o Late Shri Om Parkash,  
H.No.1119, Ward No.10,  
Mian Mohalla, Machhiwara,  
Tehsil Samrala, District Ludhiana.

.....Complainant

Versus

**Public Information Officer**  
O/o Block Development and  
Panchayat Officer (BDPO),  
Machhiwara, Distt.Ludhiana.

**Remanded Back**  
**First Appellate Authority**  
O/o District Development and  
Panchayat Officer, Ludhiana.

....Respondents

**CC No.1314/2021**

**Present:** (i) **Shri Ashok Kumar, Complainant, in person.**  
(ii) **None on behalf of the PIO/respondent..**

**ORDER**

1. The RTI application is dated 26.10.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 07.12.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 27.06.2022. The case has been heard today. Shri Ashok Kumar, complainant comes present to attend the hearing in person before the Bench. He states that incomplete information has been provided to him by the PIO.
3. Neither the PIO Office of BDPO Machhiwara, District Ludhiana has come present to attend the hearing in person before the Bench nor through cisco webex nor the complainant has been given complete information.
4. The Bench observes that the complainant admits the receipt of partial information and has directly approached the Commission by preferring complaint in the Commission. The Bench further observes that the complainant has not availed the provision of 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 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 Sanjeev Sharma, District Development & Panchayat Officer, 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 hear the complainant within ten days 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  
27.06.2022

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

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

**First Appellate Authority, Shri Sanjeev Sharma,  
District Development and Panchayat Officer, Ludhiana.**

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Shri Nirpal Singh Garcha  
Member Panchayat,  
Gram Panchayat, Kohara,  
S/o Shri Darshan Singh  
VPO Kohara, Tehsil & Distt.Ludhiana

.....Complainant

Versus

**Public Information Officer**  
O/o District Development and  
Panchayat Officer (DDPO),  
Ludhiana.

**Remanded Back**

**First Appellate Authority**

O/o Addl. Dy. Commissioner(Development),  
Ludhiana.

....Respondents

**CC No.1319/2021**

**Present:**

- (i) Complainant- absent.
- (ii) Shri Gurtej Singh, Panchayat Secretary, Gram Panchayat, Kohara,  
District Ludhiana on behalf of the PIO/respondent..

**ORDER**

**(Heard through cisco webex)**

1. The RTI application is dated 30.04.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 13.12.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 27.06.2022. The case has been heard today. Shri Nirpal Singh Garcha, complainant has not come present to attend the hearing in person before the Bench or through cisco webex.
3. Shri Gurtej Singh, Panchayat Secretary, Gram Panchayat, Kohara, District Ludhiana comes present to attend the hearing through cisco webex on behalf of the PIO and states that the complainant has been given information vide letter dated 11.01.2022.
4. The complainant is contacted on mobile phone. On the asking of the Bench, he states that he is not satisfied with the information supplied. The Bench observes that the complainant admits the receipt of partial information and has directly approached the Commission by preferring complaint in the Commission. The Bench further observes that the complainant has not availed the provision of 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 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 Amit Panchal, Addl. D.C.( Development), 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 hear the complainant within ten days 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  
27.06.2022

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

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

**First Appellate Authority, Shri Amit Panchal,  
Addl. Deputy Commissioner, Development, Ludhiana.**

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

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



Smt. Amandeep Kaur  
D/o Shri Nachhattar Singh  
R/o Village & PO Pohir,  
Tehsil & District Ludhiana.

.....Complainant

Versus

**Public Information Officer**  
O/o Sr. Superintendent of Police,  
Ludhiana Rural, Jagraon,  
District Ludhiana.

**Remanded Back**  
**First Appellate Authority**  
O/o Commissioner of Police,  
Ludhiana, with additional charge of  
Inspector General of Police  
Ludhiana Range, Ludhiana.

....Respondents

**CC No.1318/2022**

**Present:** (i) **Mrs. Amandeep Kaur, Complainant, with Shri Kulwant Singh,**  
(ii) **ASI Nirmal Singh, O/o SSP Ludhiana Rural, Jagraon,**  
**on behalf of the PIO/respondent, in person.**

**ORDER**

**(Heard in person/through cisco webex)**

1. The RTI application is dated 07.10.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 13.12.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 27.06.2022. The case has been heard today. Smt. Amandeep Kaur, complainant along with Shri Kulwant Singh, comes present to attend the hearing through cisco webex. Shri Kulwant Singh states that no information has been provided to the complainant and that the complainant has been told that the matter is being investigated by Superintendent of Police, O/o SSP Ludhiana Rural, Jagraon.
3. ASI Nirmal Singh, O/o SSP Ludhiana Rural, District Ludhiana comes present to attend the hearing in person and states that the matter as referred to in the RTI application, is under investigation with Superintendent of Police, Ludhiana Rural, Jagraon and thus, information cannot be supplied.
4. The Bench observes that the complainant has not received any information and has directly approached the Commission by preferring complaint in the Commission. The Bench further observes that the complainant has not availed the provision of 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 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 Kaustav Sharma, Commissioner of Police, Ludhiana/ IG Ludhiana Range**. 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 hear the complainant within ten days and decide the matter.

7. In case, the complainant is not satisfied with the decision of the First Appellate Authority (FAA), she 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  
27.06.2022**

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

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

**First Appellate Authority, Shri Kaustav Sharma,  
Commissioner of Police, Ludhiana/IG Ludhiana Range, Ludhiana.**

