

**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 Meeting Code:15857-23975

Helpline NO.0172-2864100 (10.00 AM to 04.00 PM on working days)



Shri Kuldeep Singh Khaira,
#125, Ishar Nagar,
Ludhiana-141006.

...Appellant

Versus

Public Information Officer
O/o GLADA,
Ludhiana.

**Remanded Back to :
First Appellate Authority-cum-
Additional Chief Administrator,
GLADA, Ludhiana.**

....Respondents

CC No.692/2021

Present: (i) Shri Kuldeep Singh Khaira, complainant.
(ii) Shri Divleen Singh, SDO, Electrical, GLADA, Ludhiana,PIO/Respondent.

ORDER:

(Heard through V.C.)

1. The RTI application is dated 11.01.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 21.06.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for today's hearing i.e. 28.09.2021 before the Bench through V.C. in DC Office, Ludhiana. The complainant Shri Kuldeep Singh Khaira comes present to attend the hearing through V.C. and states that he has sought information regarding the action taken on the colonisers/developers who are developing un-authorised colonies. He further states that on his visit to office of GLADA on 22.02.2021, he was apprised of such 85 colonies on which action has been taken but the information has been provided to him regarding letters written to Police authorities only in respect of 65 colonies and as such, he is not satisfied with the partial information provided. He further states that this points towards the corrupt practices prevailing in the office of GLADA.

3. Shri Divleen Singh, SDO, Electrical, GLADA, Ludhiana,PIO comes present to attend the hearing through V.C. He states that complete information has been provided to the complainant as per official records.

4. The Bench observes that the complainant has been given information with which he is not satisfied. The Bench further 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.

5. It must be noted that there is an alternate and efficacious remedy of First Appeal available under Section 19(1) of the RTI Act. It appears that the complainant has failed to avail the same in the instant complaint case. The Bench observes that the complainant must be given an opportunity to avail of the above said remedy.

6. Post deliberations, the instant matter is remanded back to the First Appellate Authority i.e **Shri Sandeep Kumar, IAS, Additional 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. In case, the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal with Punjab State Information Commission in accordance with the provisions of the RTI Act, 2005.

7. In view of the above, **the case is disposed off and closed**. Copy of the order be sent to the parties.

Chandigarh
28.09.2021

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

Copy to (By Regd. Post):
First Appellate Authority
Shri Sandeep Kumar, IAS
Addl. Chief Administrator,
GLADA, Ludhiana.

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Shri Harminder Singh
R/o # 2877, Phase-7,
Mohali.



.....Complainant

Versus

Public Information Officer

O/o Punjab State Power Corporation Ltd.,
Mohali.

First Appellate Authority

**Dy.Chief Engineer, Operation Circle
PSPCL, Mohali.**

...Respondent

CC No.621/2021

Present: (i) **Shri Harminder Singh, Complainant.**
(ii) **Shri Paramjit Singh, Assistant Executive Engineer, Commercial-1, PSPCL, Mohali, on behalf of the PIO.**

ORDER:

(Heard through V.C.)

1. The RTI application is dated 05.03.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 21.05.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 28.09.2021 through V.C. in DC Office, Mohali. Shri Harminder Singh, complainant comes present to attend the hearing through V.C. He states that he has sought information with regard to his applications Diary No.117 & 118 dated 19.01.2016 vide his RTI application dated 05.03.2018 which has not been provided to him yet.
3. Shri Paramjit Singh, Assistant Executive Engineer, Commercial-I, PSPCL, Mohali comes present to attend the hearing through V.C. He states that the complainant was asked to intimate Account Nos. Related to the information sought, but the same have not been provided by the complainant. He further states that due to non-availability of diary record of the year 2016, the letters mentioned by the complainant could not be provided. A letter dated 01.09.2021 to this effect is also available in the case file. On the asking of the Bench, the complainant expresses dis-satisfaction on the reply of the representative of the PIO.
4. The Bench observes that the complainant has been given unsatisfactory response and further 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.

5. It must be noted that there is an alternate and efficacious remedy of First Appeal available under Section 19(1) of the RTI Act. It appears that the complainant has failed to avail the same in the instant complaint case. The Bench observes that the complainant must be given an opportunity to avail of the above said remedy.

6. Post deliberations, the instant matter is remanded back to the First Appellate Authority i.e **Shri Mohit Sood, Dy.Chief Engineer, Operation Circle, PSPCL, 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 give an early date to hear the complainant and decide the matter. In case, the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal with Punjab State Information Commission in accordance with the provisions of the RTI Act, 2005.

7. In view of the above, **the case is disposed off and closed**. Copy of the order be sent to the parties.

**Chandigarh
28.09.2021**

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

Copy to (By Regd. Post):

First Appellate Authority
Shri Mohit Sood,
Dy.Chief Engineer, Operation Circle
PSPCL, Mohali.

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Shri Tarun Wadhwa
R/o # D/1598, Chawala Street,
Ward No.10, Malkana Mohalla,
Fazilka, Distt. Fazilka.

.....Complainant

Versus

Public Information Officer

O/o Municipal Council,
Fazilka.

Remanded Back to:
First Appellate Authority,
Addl. Deputy Commissioner,
Urban Development, Fazilka.

...Respondent

CC No.689/2021

Present: (i) **Complainant -absent.**
(ii) **Shri Rajesh Kumar, Superintendent, M.C. Fazilka, on behalf of the PIO.**

ORDER:

(Heard through V.C./on Mobile Phone)

1. The RTI application is dated 09.04.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 02.06.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 28.09.2021 through V.C. in DC Office, Fazilka. Shri Tarun Wadhwa, complainant has not come present to attend the hearing through V.C.
3. Shri Rajesh Kumar, Superintendent, O/o Municipal Council, Fazilka comes present to attend the hearing through V.C. He states that the information though being personal information has been collected from the concerned Branch and will be given to the complainant. The complainant is contacted on mobile phone. He states that due to illness of his father, he is unable to attend the hearing through V.C. On enquiring from him as to why he seeks information about an individual Suresh Kumar, he states that in view of the disproportionate property amassed by him, it smacks of his indulgence in corrupt practices and accordingly, he has sought this information in the public interest.
4. The Bench observes that the complainant has not been given information as yet and further 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.

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4. It must be noted that there is an alternate and efficacious remedy of First Appeal available under Section 19(1) of the RTI Act. It appears that the complainant has failed to avail the same in the instant complaint case. The Bench observes that the complainant must be given an opportunity to avail of the above said remedy.

5. Post deliberations, the instant matter is remanded back to the First Appellate Authority i.e **Shri Abhjit Kaplish, IAS, Addl. Deputy Commissioner, Urban Development, Fazilka**. 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. In case, the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal with Punjab State Information Commission in accordance with the provisions of the RTI Act, 2005.

6. In view of the above, **the case is disposed off and closed**. Copy of the order be sent to the parties.

Chandigarh
28.09.2021

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

Copy to (By Regd. Post):

First Appellate Authority
Shri Abhjit Kaplish, IAS
Addl. Deputy Commissioner,
Urban Development, Fazilka.

