

**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

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



Shri Prem Kumar Rattan,
H.No.78/8, Park Road,
Navi Mandi, Dhuri,
District Sangrur

.....Appellant

Versus

Public Information Officer

O/o Addl. Superintending Engineer(Rural),
Punjab State Power Corporation Ltd.
Barnala.

First Appellate Authority-cum-

Sub Divisional Engineer,
Distribution Circle, Punjab State Power
Corporation Ltd.(PSPCL), Barnala.

...Respondents

AC No.493/2021

Present: (i) **Shri Prem Kumar Rattan, Appellant (Through Cisco Webex)**
(ii) **Shri Satish Bansal, Addl. S.E., PSPCL, Bhadaur, on behalf of the PIO.**

ORDER:

(Heard through Cisco Webex)

1. This order may be read with reference to the order dated 31.08.2021 passed by this Bench on the previous hearing.
2. The case was scheduled to be heard today in Commission's office at Chandigarh. Shri Prem Kumar Rattan, appellant, however, attends the hearing through Cisco Webex.
3. Shri Satish Bansal, Addl. S.E., PSPCL, Bhadaur, District Barnala comes present to attend the hearing through cisco webex. He states that the information comprising 65 pages has been supplied to the appellant vide letter dated 06.05.2021 by the Sr.XEN, PSPCL Rural Division, Barnala and that an affidavit dated 25.11.2021 of the PIO Shri Tej Bansal, S.E. Distribution Circle, Barnala has also been delivered in the Commission's office.
4. The appellant is apprised that original affidavit has been received in Commission's office and that the same will be sent along with the order. Then the appellant expresses his satisfaction and gives his consent to close the case.

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AC No.493/2021

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. Original affidavit be sent along with the order after retaining a photocopy of the same for record.

**Chandigarh
29.11.2021**

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

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Shri Sushil Kumar,
#1410, Phase-1, Urban Estate,
Dugri Road, Ludhiana-141013.

.....Complainant

Versus

Public Information Officer

O/o Dy.Chief Engineer, Technical-3,
Punjab State Power Corporation Ltd.
(PSPCL), Patiala.

First Appellate Authority

O/o Chief Engineer, HRD,
Punjab State Power Corporation Ltd.,
(PSPCL), Ludhiana.

...Respondents

AC No.2667 of 2021

Present: (i) **Appellant- absent.**
(ii) **Shri Pal Singh, Senior Assistant, Technical-3 Branch, PSPCL, Patiala on behalf of the PIO/Respondent.**

ORDER

1. This order may be read with reference to the order dated 31.08.2021 passed by this Bench on the previous date of hearing.
2. The case has been heard today in Commission's office at Chandigarh. Shri Sushil Kumar, appellant has not come present to attend the hearing in person before the Bench or through cisco webex. He was absent for the previous hearing also. He has, however, sent e.mail dated 29.11.2021 stating that the information supplied is not relevant and to his satisfaction as certain information has been reported to be non-available in the official records. He has also stated therein that the appeal case may not be closed without his consent.
3. Shri Pal Singh, Senior Assistant, Technical-3 Branch, PSPCL, Patiala comes present to attend the hearing on behalf of the PIO. He reiterates his statement made during previous hearing that the appellant has been supplied information point-wise vide letter dated 06.05.2021 and that a copy of the reply filed in the Hon'ble High Court in CWP No.17638/2020 pending in the Hon'ble Court has been sought by the appellant which cannot be supplied to him under Section 8(1)(h) of RTI Act.
4. The Bench observes that neither the appellant has come present in person before the Bench nor has come present to attend the hearing through cisco webex. In order to know the version of the appellant with regard to his absence from hearing, the Appellant Shri Sushil Kumar is contacted on mobile phone. In spite of a number of attempts made to contact him, no response is received from him.

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AC No.2667/2021

5. Post deliberations, the Bench turns down the contention of the PIO that copy of the reply filed in the Hon'ble High Court in CWP No.17638/2020 cannot be supplied. On the asking of the Bench, the representative of the PIO produces a copy of the said reply before the Bench. The Bench then takes that on record and apprises the representative of the PIO that a copy of this reply will be sent to the appellant along with the order.

6. The PIO is now directed to file an affidavit on non-judicial stamp paper, within one month, 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.2667 of 2021 has been supplied to the appellant. It be further stated that nothing has been concealed therein and the statement made is true and correct. Original affidavit be sent to the appellant and photocopy of the same be sent to the Commission for record.

7. In view of the above, the matter does not warrant further intervention by the Bench. **The instant appeal case is disposed off and closed.** Copies of the order be sent to the concerned parties. Copy of the reply filed in the Hon'ble High Court in CWP No. 17638/2020 is sent herewith.

**Chandigarh
29.11.2021**

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

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Shri Jasbir Singh,
Guru Nanak Nagar,
Village Bolapur Jhabewal,
PO Ramgarh, Distt.Ludhiana.

.....Complainant

Versus

Public Information Officer

O/o Chairman,
Punjab Pollution Control Board,Patiala.

Remanded Back

First Appellate Authority-cum-

Sr. Environmental Engineer,
Punjab Pollution Control Board,Ludhiana.

...Respondents

CC No.667/2021

Present:

- (i) Complainant - absent.
- (ii) Shri Varinderjit Singh, SDO, Regional Office-3, Punjab Pollution Control Board, Ludhiana, on behalf of the PIO.

ORDER

(Heard in Person/on mobile phone)

1. This order may be read with reference to the order dated 31.08.2021 passed by this Bench on the previous date of hearing.
2. The case has been heard today in Commission's office at Chandigarh. The complainant Shri Jasbir Singh has not come present to attend the hearing in person before the Bench.
3. Shri Varinderjit Singh, Sub Divisional Officer, Regional Office-3, Punjab Pollution Control Board (PPCB),Ludhiana, comes present to attend the hearing in person on behalf of the PIO. He states that the information was supplied to the Complainant vide letter dated 26.04.2021 and again vide letter dated 27.09.2021 by registered post. He further states that the updated information has been supplied to the Complainant.
4. The complainant is contacted on mobile phone. He states that the information supplied is partial and misleading. He is then apprised that the instant complaint case is being remanded to First Appellant Authority to which he agrees.
5. 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 Civil Appeal Nos.10787-10788 of 2011 (arising out of SLP (C) No.32768-32769/2010- Chief 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:-

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“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.

6. 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. In case the complainant has any grouse about the provided information, he is advised to challenge the response of the PIO before the designated First Appellate Authority, as envisaged under Section 19(1) of the RTI Act, 2005, who will decide time limit in accordance with the provisions of RTI Act within the prescribed time limit, after giving an opportunity of hearing to all concerned. The Bench observes that the complainant must be given an opportunity to avail of the above said remedy.

7. The instant matter is remanded back to the First Appellate Authority i.e. **Shri G.S.Gill, Sr. Environmental Engineer, Zonal Office-II, Punjab Pollution Control Board, E-648-B, Phase-5, Focal Point, 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.

8. 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.

9. In view of the above, **the case is disposed off and closed**. Copies of the order be sent to the concerned parties.

**Chandigarh
29.11.2021**

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

Copy to (By Regd. Post):

**First Appellate Authority,
Shri G.S.Gill, Sr. Environmental Engineer,
Zonal Office-II, Punjab Pollution Control Board,
E-648-B, Phase-5, Focal Point, Ludhiana**

