

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

**Ph: 0172-2864116, Email: - [psic26@punjabmail.gov.in](mailto:psic26@punjabmail.gov.in)**

**Visit us: - [www.infocommpunjab.com](http://www.infocommpunjab.com), Cisco Webex Code:15857-23975**

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



Shri Maninder Singh,  
Village Bakarpur,  
District Mohali.

.....Complainant

Versus

**Public Information Officer**

O/o Estate Officer,  
GMADA, Mohali.

**Remanded Back**

**First Appellate Authority**

O/o Estate Officer (Regulatory),  
GMADA, Mohali.

...Respondents

**CC No.1063/2021**

**Present:**

- (i) Complainant-absent.
- (ii) Shri Charanjit Singh, Senior Assistant, GMADA, Mohali, in person.

**ORDER**

**(Heard in person/on mobile phone)**

1. The RTI application is dated 02.06.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 17.08.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 30.11.2021 in Commission's Office at Chandigarh. Accordingly, the case has been heard today. Shri Maninder Singh, complainant has not come present to attend the hearing in person before the Bench.
3. Shri Charanjit Singh, Sr. Assistant O/o GMADA, Mohali comes present to attend the hearing in person on behalf of the PIO. He states that the information sought by the complainant amounts to compilation of information from different Branches and that there is no such provision under the RTI Act to compile and prepare the information. He further states that reply has been given to the complainant vide letter dated 29.06.2021 asking him to seek copy of any specific document he requires. He also produces copy of the same before the Bench.
4. The complainant Shri Maninder Singh is contacted on mobile phone. He admits reply of the PIO and expresses his dis-satisfaction on the reply of PIO.
5. The Bench observes that the complainant is not satisfied with the reply of PIO and he 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 Vs. 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.

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. Smt. Sudershna Devi, Estate Officer (Regulatory), GMADA, 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.

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.** Copy of the order be sent to the parties.

**Chandigarh  
30.11.2021**

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

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

**First Appellate Authority, Smt. Sudershna Devi, Estate Officer (Regulatory), GMADA, Mohali.**

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

**Ph: 0172-2864116, Email: - [psic26@punjabmail.gov.in](mailto:psic26@punjabmail.gov.in)  
Visit us: - [www.infocommpunjab.com](http://www.infocommpunjab.com), Cisco Webex Code:15857-23975  
Helpline No.0172-2864100(From 10.00 AM to 04.00 PM on working days)**



Shri Mohit Kumar,,  
S/o Shri Gopi Ram,  
R/o Ganesh Nagri,  
Jalalabad West,  
District Fazilka.

.....Appellant

Versus

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

**First Appellate Authority-cum-**  
Executive Officer,  
Municipal Council, Jalalabad West,  
District Fazilka..

....Respondents

**AC No.3653 of 2021**

**Present:** (i) **Appellant- absent.**  
(ii) **Shri Gurjant Singh, Clerk, O/o E.O., Municipal Council, Jalalabad West, District Fazilka, on behalf of PIO/Respondent, in person.**

**ORDER**

**(Heard in person/on mobile phone)**

1. The RTI application is dated 12.02.2021 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 06.04.2021 and the second appeal was filed in the Commission on 13.08.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 30.11.2021 in Commission's office at Chandigarh. Accordingly, the case has been heard today. Shri Mohit Kumar, appellant has not come present to attend the hearing in person before the Bench.
3. Shri Gurjant Singh, Clerk, Municipal Council, Jalalabad West, District Fazilka comes present to attend the hearing in person on behalf of the PIO. He states that the appellant was asked vide letter dated 17.11.2021 to inspect the records on any working day so as to provide him information as has been sought by him. He further states that the appellant on visiting their office and after inspection of the record produced before him, he has expressed his satisfaction and given his consent to close the case.

Cont...P-2



-2-

**AC No.3653/2021**

4. Shri Mohit Kumar, appellant is contacted on mobile phone. He reiterates as given in writing to the PIO and states that he does not need any information and gives his 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  
30.11.2021

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

