

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



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

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

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

.....Appellant

Versus

Public Information Officer
O/o Deputy Chief Engineer,
Local Operation, Central Zone,
PSPCL, Ludhiana.

First Appellate Authority
O/o Chief Engineer, Operational,
Central Zone PSPCL, Ludhiana.

....Respondents

AC No.1131 of 2021

Present: (i) Appellant- absent.
(ii) Shri Jatinder Mohan Bhandari, SDO/APIO and Shri Nazam Singh, Steno,
O/o PSPCL, Ludhiana on behalf of the PIO, in person.

ORDER:

(Heard in person /On Mobile Phone)

1. This order may be read with reference to the order dated 08.09.2021 passed by this Bench on the previous hearing.
2. The case has been heard today in Commission's office at Chandigarh. The appellant has not come present to attend the hearing in person or through Cisco Webex. An e.mail dated 08.09.2021 is available in the case file vide which he had informed that he has been provided incomplete information.
3. Shri Jatinder Mohan Bhandari, SDO/APIO along with Shri Nazam Singh, Steno, comes present in person before the Bench on behalf of PIO O/o PSPCL, Ludhiana. He states that the appellant has been supplied information vide letter dated 23.03.2021 and also produces a copy of affidavit dated 16.12.2021 stating therein that the information as available in the official records has been supplied to the appellant. He further states that he has also brought along the original affidavit for handing over to the appellant.
4. The appellant is absent, he is contacted on mobile phone. In spite of three attempts made to contact him, he does not respond.

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AC No.1131/2021

5. Post deliberations and examination of documents on file, the Bench observes that adequate information as available in the official records stands supplied and the affidavit filed is in order. The PIO is now directed to send the original affidavit to the appellant by registered post by 21.12.2021.

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

**Chandigarh
20.12.2021**

**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.

.....Appellant

Versus

Public Information Officer
O/o Additional S.E, Distribution,
Janta Nagar Division, PSPCL,
Ludhiana.

First Appellate Authority
O/o Chief Engineer, Operational,
Central Zone PSPCL, Ludhiana.

....Respondents

AC No.1130 of 2021

Present: (i) **Appellant- absent.**
(ii) **Shri Jatinder Mohan Bhandari, SDO/APIO and Shri Nazam Singh, Steno, O/o PSPCL, Ludhiana on behalf of the PIO, in person.**

ORDER:

(Heard in person/On Mobile Phone)

1. This order may be read with reference to the order dated 08.09.2021 passed by this Bench on the previous hearing.
2. The case has been heard today in Commission's office at Chandigarh. The appellant has not come present to attend the hearing in person or through Cisco Webex. An e.mail dated 08.09.2021 is available in the case file vide which he had informed that he has been provided incomplete information.
3. Shri Jatinder Mohan Bhandari, SDO/APIO along with Shri Nazam Singh, Steno, comes present in person before the Bench on behalf of PIO O/o PSPCL, Ludhiana. He states that the appellant has been supplied information vide letter dated 23.03.2021 and also produces a copy of affidavit dated 16.12.2021 stating therein the meter blank of account No.JM20/0024 for the period 10/2010 to 11/2021 and record of MCO pertaining to M.S., CSGC and street light was not traceable for which a committee was constituted which has reported that in spite of best efforts, records as sought by appellant have not been traced out. He further states that he has also brought along the original affidavit for handing over to the appellant.

Cont..P-2



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AC No.1130/2021

5. Post deliberations, the Bench observes that adequate information as existing in official records stands supplied and the affidavit filed is also in order. The PIO is now directed to send the original affidavit to the appellant by registered post by 21.12.2021.

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

**Chandigarh
20.12.2021**

**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.

.....Appellant

Versus

Public Information Officer
O/o Nodal Officer, PSPCL, Patiala.

Public Information Officer, (By regd. Post)
O/o Superintending Engineer
Technical, PSPCL, Patiala.

First Appellate Authority
O/o Chief Engineer, P&M,
PSPCL, Ludhiana.

....Respondents

AC No.1100 of 2021

Present:

- (i) Appellant- absent.
- (ii) Shri Inderjit Singh, Dy.Chief Engineer, P&M Division, PSPCL, Ludhiana
(Through cisco webex)
- (iii) Shri Rakesh Kokaria, Dy.Chief Engineer, Technical, PSPCL, Patiala and
- (iv) Shri Lalpreet Singh, Deputy Secretary, Technical-3, PSPCL, Patiala,
- Both in person before the Bench.

ORDER:

(Heard in person/through Cisco Webex/on mobile phone)

1. This order may be read with reference to the order dated 08.09.2021 passed by this Bench on the previous hearing.
2. The case has been heard today in Commission's office at Chandigarh. The appellant has not come present to attend the hearing in person or through Cisco Webex. However, an e.mail dated 20.12.2021 has been received from him that he is not feeling well and thus, is unable to attend the hearing and has further stated that he had sent discrepancies on 20.06.2021 but he has not been provided correct information.
3. Shri Inderjit Singh, Dy. Chief Engineer, P&M Division, PSPCL, Ludhiana comes present to attend the hearing through Cisco Webex. He states that the information has been supplied to the appellant vide letter dated 18.12.2020. He further states that in compliance with Hon'ble Commission's order, the appellant was called for inspection of records and the appellant did not turn



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AC No.1100/2021

up for inspection of records. Further, giving him another opportunity, he was called for inspection again and the record was got inspected on 09.08.2021 and thereafter, the additional information as identified by him was provided to him vide letter dated 31.08.2021 and an affidavit dated 31.08.2021 has also been sent to him by registered post as well as by e.mail.

4. Shri Rakesh Kokaria, Dy. Chief Engineer, Technical, and Shri Lalpreet Singh, Deputy Secretary, Technical-3, PSPCL, Patiala come present to attend the hearing in person. Shri Rakesh Kokaria states that the information relating to their department has been supplied to the appellant vide letter 18.12.2020 and further, in compliance with the orders of Hon'ble Commission, the appellant was called five times for inspection of records but he did not turn up and attempts were also made on his given mobile number. However, he did not respond. He also produces a letter dated 16.12.2021 along with copy of the affidavit dated 16.12.2021 before the Bench which is taken on record.

5. To ascertain the position in this regard, the appellant Shri Sushil Kumar is contacted on mobile phone. He, however, does not respond to the repeated phone calls.

6. The Bench, on perusal of the case file, the information supplied and the affidavits filed by the PIO/Dy. Chief Engineer, P&M Division, PSPCL, Ludhiana and PIO/ Dy. Chief Engineer (Technical), PSPCL, Patiala, is convinced that adequate information stands supplied to the appellant and the affidavits are also in order.

7. In view of the above, the Bench does not feel that further intervention in the matter is needed. The instant appeal case is disposed off and closed. Copies of the orders be sent to the concerned parties.

**Chandigarh
20.12.2021**

**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.

.....Appellant

Versus

Public Information Officer

O/o Nodal Officer-cum-
Deputy Secy., (RTI Cell),
PSPCL, Patiala.

First Appellate Authority

O/o Chief Engineer,
P&M, PSPCL, Ludhiana.

....Respondents

AC No.1098 of 2021

Present: (i) Appellant- absent.
(ii) Shri Inderjit Singh, Dy.Chief Engineer, P&M Division, PSPCL, Ludhiana.

ORDER:

(Heard through Cisco Webex/on Mobile phone)

1. This order may be read with reference to the order dated 08.09.2021 passed by this Bench on the previous hearing.
2. The case has been heard today in Commission's office at Chandigarh. The appellant has not come present to attend the hearing in person or through Cisco Webex. However, an e.mail dated 08.09.2021 is available in the case file whereby he has expressed his dis-satisfaction over the information supplied.
3. Shri Inderjit Singh, Dy. Chief Engineer, P&M Division, PSPCL, Ludhiana comes present to attend the hearing through Cisco Webex. He states that the information has been supplied to the appellant vide letters dated 01.02.2021, 19.05.2021 and 27.05.2021 prior to his filing the second appeal. Thereafter, in compliance with Hon'ble Commission's order dated 28.06.2021, the appellant was called to office for inspection of records, but he did not turn up. Further, giving him another opportunity, he was called again for inspection and the record was got inspected on 09.08.2021 and thereafter, the information as identified by him was provided to him vide letter dated 31.08.2021 and an affidavit dated 31.08.2021 has also been sent to him by registered post as well as by e.mail.

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AC No.1098/2021

4. To ascertain the position in this regard, the appellant Shri Sushil Kumar is contacted on mobile phone. He, however, does not respond to the repeated phone calls.
5. The Bench, on perusal of the case file, the information supplied and the affidavit filed by the PIO/Deputy Chief Engineer, P&M Division, PSPCL, Ludhiana, is convinced that adequate information stands supplied to the appellant and the affidavit is also in order.
6. In view of the above, the Bench does not feel further intervention in the matter. **The instant appeal case is disposed off and closed.** Copies of the orders be sent to the concerned parties.

**Chandigarh
20.12.2021**

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

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

.....Appellant

Versus

Public Information Officer

O/o Executive Officer,
Municipal Council, Khanna,
District Ludhiana.

First Appellate Authority,

O/o Regional Deputy Director,
Urban Local Govt.,Ludhiana.

...Respondents

AC No.1592/2020

Present: (i) **Shri Prem Kumar Rattan, Appellant.**
(ii) **Shri Ajay Kumar, Junior Engineer, M.C. Khanna on behalf of the PIO,
in person.**

ORDER:

(Heard in person/through Cisco Webex)

1. This order may be read with reference to the order dated 22.09.2021 passed by this Bench on the previous hearing.
2. The case has been heard today in Commission's office at Chandigarh. The appellant comes present to attend the hearing through Cisco Webex. He states that in spite of the directions of the Bench, complete/rectified information has still not been given to him by the PIO/respondent.
3. Shri Ajay Kumar has come present to attend the hearing in person before the Bench on behalf of the PIO. He states that he has brought along the information to be provided to the appellant comprising 16 pages and also produces a copy of the challan for having deposited the amount of penalty.
4. The Bench apprises the appellant of the version of representative of PIO. Post deliberations, the Bench directs the PIO to send this information to the appellant, duly attested by PIO, through registered post. Thereafter, he is directed to file an affidavit on non judicial stamp paper,

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AC No.1592/2020

within two weeks, 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.1592/2020 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. The appellant agrees to it and gives his consent to close the case.

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

**Chandigarh
20.12.2021**

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

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Shri Yuvraj Kumar,
R/o #181/1, Jail Road,
Mohalla Arya Nagar, Gurdaspur.
Tehsil & Distt. Gurdaspur.

.....Complainant

Versus

Public Information Officer

O/o Deputy Commissioner of Excise,
Jalandhar Zone,
Excise & Taxation Bhavan,
Near Regional Passport Office,
Jalandhar.

Remanded Back

First Appellate Authority

O/o Deputy Commissioner of Excise,
Jalandhar Zone,
Excise & Taxation Bhavan,
Near Regional Passport Office,
Jalandhar.

...Respondents

CC No.1138/2021

Present: (i) **Shri Yuvraj Kumar, Complainant.**
(ii) **Shri Deepak Sharma, Excise Inspector, O/o Dy. Commissioner, Excise, Jalandhar Zone, Jalandhar, on behalf of PIO/Respondent.**

ORDER

1. The RTI application is dated 20.07.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 08.09.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The notice of hearing was issued to the parties for 20.12.2021 in Commission's Office at Chandigarh. Accordingly, the case has been heard today in Commission's office at Chandigarh. Shri Yuvraj Kumar, complainant comes present to attend the hearing in person before the Bench. He states that he has been denied information by the PIO.

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3. Shri Deepak Sharma, Excise Inspector O/o Deputy Commissioner, Excise, Jalandhar Zone, Jalandhar comes present to attend the hearing in person. He states that the RTI application has been filed by the complainant seeking information with regard to an enquiry pending against the complainant and further states that the same has been denied to the complainant under Section 8(h) of RTI Act, 2004 as the said enquiry is still under process and has not been finalised yet. He also states that the RTI application has not been addressed by the complainant to the PIO but the same has been addressed to the First Appellate Authority.

4. 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:-

“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. 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.

6. The instant matter is remanded back to the First Appellate Authority i.e. **Shri Jaskaran Singh Brar, Deputy Commissioner, Excise, Jalandhar Zone, Jalandhar**. 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
20.12.2021**

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

Copy to (By Regd. Post):

**First Appellate Authority
Shri Jaskaran Singh Brar,
Deputy Commissioner, Excise,
Jalandhar Zone,
Excise & Taxation Bhavan,
Near Regional Passport Office,
Jalandhar.**

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Shri Parampreet Singh,
Councillor, Ward No.16,
Khanna, District Ludhiana.

.....Appellant

Versus

Public Information Officer
O/o District Education Officer(SE),
Ludhiana.

First Appellate Authority
O/o District Education Officer(SE),
Ludhiana.

...Respondents

AC No.4104/2021

Present: (i) Appellant- absent.
(ii) Shri Ranbir Singh, President, Sumitra Public Sr. Secondary School
Committee, Khanna, Distt. Ludhiana.
(iii) None on behalf of PIO O/o DEO (Secondary Education), Ludhiana.

ORDERR

(Heard in person/on mobile phone)

1. The RTI application is dated 13.05.2021 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 07.07.2021 and the second appeal was filed in the Commission on .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 20.12.2021 in Commission's office at Chandigarh. Shri Parampreet Singh, appellant has not come present to attend the hearing in person before the Bench.

3. The PIO O/o D.E.O. (Sec.Edu.), Ludhiana has not come present to attend the hearing in person before the Bench. However, Shri Ranbir Singh, President, Sumitra Public Sr.Secondary School Committee, Khanna, Distt. Ludhiana comes present and states that the RTI application was sent to him under Section 6(3) of RTI Act by District Education Officer (Sec.Edn.), Ludhiana and also produces letter dated 17.11.2021 from the D.E.O. (Sec.Edn.), Ludhiana addressed

Cont..P-2



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AC No.4104/2021

to the Commission, enclosing therewith a copy of the letter dated 04.08.2021 sent by the Principal of School to the office of D.E.O. (Sec.Edn.). The perusal of the said letter shows that the school in respect of which information has been sought by the appellant is unaided. Shri Ranbir Singh states before the Bench that it is not funded by the Govt. partially or fully and it has not been provided any land on concessional rate by the Government. He also refers to judgment of Hon'ble Punjab and Haryana High Court dated 06.0-2.2017 in CWP No.2133-2017 wherein it has been observed by the Hon'ble Court as under:-

“The appeal filed by the petitioner has been dismissed on the ground that the information sought by the petitioner is related to the private schools which are neither Government aided institutions nor in receipt of any grant from the Government and are not covered under the RTI Act.”

4. The appellant is contacted on mobile phone and is made to talk to Shri Ranbir Singh who explains him the position regarding the status of school and not being covered under the RTI Act. Then the Bench also apprises the appellant of the legal position as explained by the President of the said school. The Bench makes it clear to the appellant that the Bench does not find any reason to proceed further in the matter in view of the legal position brought out before the Bench.

5. With the aforesaid observations, no further intervention of the Bench is needed and **the instant appeal case is disposed off and closed.** Copies of the order be sent to the concerned parties.

**Chandigarh
20.12.2021**

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

