

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(From 10.00 AM to 04.00PM on working days))



Shri Ashok Kumar Joshi, (M: 98146-22755)

S/o Shri Hari Krishan Joshi,

R/o Mohalla Sarafa. Near Babapura Ji, District SBS Nagar.

.....Appellant

Versus

Public Information Officer

O/o Senior XEN,
Distribution Division,
PSPCL, Nawanshahar.

First Appellate Authority,

O/o Senior XEN,
Distribution Division,
PSPCL, Nawanshahar.

....Respondents

AC No. 4788 of 2022

Present:

- (i) **Appellant: Absent.**
(ii) **Shri Sanjeev Kumar, Accountant (9646002312) O/o PSPCL, Nawanshahar, in person.**

ORDER:

1. The RTI application is dated 14.07.2021 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 16.08.2022 and the second appeal was filed in the Commission on 12.10.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The case has been heard today in the Commission's office at Chandigarh. Shri Sanjeev Kumar, Accountant states that the information has been supplied to the appellant. He further submits authority letter to appear on behalf of the PIO as also copy of information supplied to the appellant to the Bench during the hearing, which is taken on record.
3. Shri Ashok Kumar Joshi, appellant is absent but an acknowledgement letter signed by the appellant relating to his satisfaction has been received by the Bench vide diary number 28789 dated 14.12.2022, which is seen and taken on record.
4. Post deliberations, as the appellant is satisfied. So, no further cause for intervention is left in this case.
5. **The case is disposed off and closed.** Copies of the order be sent to the concerned parties.

Chandigarh
22.12.2022

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



Shri Sanjeev Goyal, S/o Shri Ashok Kumar,
RTI Activist /Secy Grahak Jago,
148, Model Town, Phase -1, Bathinda.

.....Complainant

Versus

Public Information Officer
O/o Executive Officer,
Punjab Energy Development Agency,
Sector 33/D, Chandigarh.

....Respondents

CC No. 692 of 2022

Present: (i) **Complainant: Absent.**
(ii) **Shri Rajesh Chand, Senior Manager (9872500364) along with Shri Surinder Pal Singh, Senior Managar (9463102385) are present from O/o PEDA, in person**

ORDER:

1. The RTI application is dated 17.02.2022 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 13.10.2022 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 22.12.2022 in Commission's Office at Chandigarh. Accordingly, the case was scheduled to be heard today. Shri Sanjeev Goyal, complainant is absent without any intimation to the Commission.
3. Shri Rajesh Chand, Senior Assistant states that they have brought the information for the complainant to be handed over in the Court and submits letter number 7912 dated 21.12.2022 along with annexures to the Bench during the hearing which is seen and taken on record.
4. The Bench directs the PIO to send the information to the complainant through registered post on priority.
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 towards 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.

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.

7. **The instant matter is remanded back to the First Appellate Authority i.e. Shri H.S. Hanspal Chairman, Punjab Energy Development Agency, Sector 33-D, Chandigarh.** 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 within 10 days of receiving this order.

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
22.12.2022

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

Remanded to First Appellate Authority,
(Regd. Post) Shri H.S. Hanspal (Chairman),
Punjab Energy Development Agency,
Sector 33, Chandigarh.

Encl. RTI Application

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Shri Sunny Marwaha,
Royal Country Colony,
Near Taru Da Wara, Phagwara.

...Complainant

Versus

Public Information Officer

O/o SDO,
PSPCL, Phagwara.

....Respondents

CC No. 704 of 2022

Present: (i) **Complainant: Absent.**
(ii) **Respondent: None**

ORDER:

1. The RTI application is dated 06.09.2022 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 17.10.2022 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The notice of hearing was issued to the parties for 22.12.2022 in Commission's Office at Chandigarh. Accordingly, the case was scheduled to be heard today. Shri Sunny Marwaha, complainant is absent.

3. None is present from the department.

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 towards 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. Chief Engineer, (North), PSPCL, 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 within 10 days of receiving this order.
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
22.12.2022

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

Remanded to First Appellate Authority,
(Regd. Post) Chief Engineer, (North)
PSPCL,
Jalandhar.

Encl. RTI Application

