

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, NEAR ROSE GARDEN,

SECTOR 16, CHANDIGARH.

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Shri Bal Mukand, (98030 01121)
S/o Shri Walaiti Ram,
R/o Calcutta Street, Rampura Phul,
District Bathinda-151103

...Appellant

Versus

Public Information Officer,
O/o Regional Deputy Director,
Local Government, Bathinda.

First Appellate Authority,
O/o Regional Deputy Director,
Local Government, Bathinda.

...Respondents

APPEAL CASE NO. 2796 OF 2023

Present:

Appellant: Absent
Respondent: Absent

Order :

1. This order may be read with the reference of previous order of the commission dated 11.02.2025.
2. The appellant has remained absent since filing the RTI application before the Commission, despite notices and orders issued for the hearing. Similarly, the respondent **PIO** has also remained absent throughout the proceedings without any prior intimation to the Commission. A **Show Cause Notice** was issued to the PIO for non-compliance; however, no reply has been received.
3. In view of the above, this case is **CLOSED** due to non-prosecution by the appellant. However, the appellant is granted **liberty to approach the Commission within 10 days** if he wishes to reopen the case, provided he submits a valid reason for his absence.

(Sandeep Singh Dhaliwal)
State Information Commissioner, Punjab.

Chandigarh
11.03.2025

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Shri Baljinder Singh, (99880 29074)

S/o Shri Darshan Singh,
R/o Dean Singh Nagar, Gali No. 1,
Backside Guru Nanak Public School,
Goniana Mandi, District Bathinda.

....Appellant

Versus

Public Information Officer,
O/o Executive Officer,
Nagar Council, Goniana Mandi,
District Bathinda.

First Appellate Authority,
O/o Additional Deputy Commissioner,
(Urban Development), Bathinda.

....Respondents

APPEAL CASE NO. 6090 OF 2022

Present:

Appellant: Absent

Respondent: Sh. Jatinder Kumar (Clerk)

Final Order :

1. This order may be read with reference of previous order of the commission dated 07.01.2025.
2. The matter was taken up for hearing today. The appellant is absent.
3. The respondent-PIO was represented by Sh. Jatinder Kumar (Clerk), who submitted that in compliance with the previous order of the Commission:
 - The requisite information has been provided to the appellant.
 - The compensation amount of Rs. 5,000/- has been paid to the appellant via cheque dated 10.03.2025, and the appellant has signed the receipt acknowledging the payment.
4. In view of the above, as there remains no further cause of action, the case stands **DISPOSED OF.**

(Sandeep Singh Dhaliwal)
State Information Commissioner, Punjab.

Chandigarh
11.03.2025

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Shri Mohinder Singh, (80541 00035)
S/o Shri Gurdev Singh,
R/o Old Bus Stand Road,
Barnala-148101

....Appellant

Versus

Public Information Officer,
O/o Additional Deputy Commissioner,
(General), Barnala.

First Appellate Authority,
O/o Additional Deputy Commissioner,
(General), Barnala.

....Respondents

APPEAL CASE NO. 1996 OF 2023

Present: Appellant: Absent
Respondent: Absent

ORDER :

1. This order may be read with the reference of previous order of the Commission dated 05.02.2025.

2. The appellant has remained absent for the third consecutive hearing without any prior intimation. The respondent has already provided a reply to the RTI application, duly acknowledged by the appellant on 16.02.2023. In view of the appellant's continued absence, the Commission decides the case on merits based on the available records and closes the matter.

This case is **Disposed of.**

(Sandeep Singh Dhaliwal)
State Information Commissioner, Punjab.

Chandigarh
11.03.2025

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Shri Dilbagh Singh, (81461 00157)

R/o Dashmesh Nagar, Street No. 3,

Tehsil and District Faridkot.

....Appellant

Versus

Public Information Officer,

O/o Secretary,

Regional Transport Authority,

Sangrur.

First Appellate Authority,

O/o State Transport Commissioner, Punjab,

Sector-17, Chandigarh.

....Respondents

APPEAL CASE NO. 5007 OF 2022

Present:

Appellant: Absent

Respondent: Absent

FINAL ORDER :

1. This order may be read with the reference of previous order of the commission dated 05.02.2025.

2. As both parties were absent in the last hearing and have remained absent today without any intimation to the Commission, the case is disposed of due to the non-prosecution of the appellant. However, the appellant is at liberty to approach the Commission within 10 days for reopening the case with a valid reason.

3. **This case is Disposed of, accordingly.**

(Sandeep Singh Dhaliwal)

State Information Commissioner, Punjab.

Chandigarh

11.03.2025

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Shri Pawan Kumar, (97795 86000)
General Secretary (Suchna Adhikar Manch)
26, Alhana Dhillon Colony,
Opposite Mohindra College, Patiala-147001

....Appellant

Versus

Public Information Officer,
O/o Regional Transport Authority,
Patiala.

First Appellate Authority,
O/o Regional Transport Authority,
Patiala.

....Respondents

APPEAL CASE NO. 5209 OF 2022

Present: Appellant: Absent
Respondent: Absent

FINAL ORDER :

1. This order may be read with the reference of previous order of the commission dated 05.02.2025.

2. As both parties were absent in the last hearing and have remained absent today without any intimation to the Commission, the case is disposed of due to the non-prosecution of the appellant. However, the appellant is at liberty to approach the Commission within 10 days for reopening the case with a valid reason.

3. **This case is Disposed of, accordingly.**

(Sandeep Singh Dhaliwal)
State Information Commissioner, Punjab.

Chandigarh
11.03.2025

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Smt. Surinderjit Kaur, (7508553702)
W/o Shri Kulvir Singh,
R/o Village Panechan, P.O. Sanghol,
Tehsil Khamano, District Fatehgarh Sahib – 140802

...Complainant

Versus

Public Information Officer,
O/o Sub Divisional Officer,
Punjab State Power Corporation Ltd., (PSPCL),
Samrala, District Ludhiana.

....Respondent

COMPLAINT CASE NO. 0661 OF 2023

Date of RTI Application	Date of Reply, if any of SPIO	Date of Appeal/ Complaint Filed in Commission
13.09.2023	-	20.10.2023

Present: Complainant: Smt. Surinderjit Kaur
Respondent: Er. Pradeep Singh (AAR) , Sh. Abhishek (AAR, O/o PSPCL, Ludhiana)

FINAL ORDER :

1. Both parties are present for the hearing today.
2. The respondent has stated that the sought information is third-party information and that the concerned third party has refused to provide the information under Section 11 of the RTI Act, 2005.
3. The Bench observes that the complainant has directly approached the Commission by preferring a complaint, rather than utilizing the alternative and efficacious remedy of a first appeal available under Section 19(1) of the RTI Act, 2005.
4. It is further noted that the First Appellate Authority has not yet had the opportunity to review the decision of the PIO by passing a detailed, well-reasoned speaking order, as envisaged under the RTI Act.
5. The complainant is hereby reminded of the judgment of the Hon'ble Supreme Court of India dated 12.12.2011 in Civil Appeal Nos. 10787-10788 of 2011 (arising out of SLP(C) Nos. 32768-32769/2010), specifically paragraph 31, which held that when a complaint is entertained under Section 18 of the RTI Act, 2005, the Commissioners do not have jurisdiction to order access to the information.
6. Since an alternative remedy in the form of a first appeal under Section 19(1) of the RTI Act, 2005 exists—which has not been availed of in the present case—and since the First Appellate Authority has not reviewed the decision of the PIO, this Commission cannot direct further provision of information.

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COMPLAINT CASE NO. 0661 OF 2023

7. Accordingly, this case is **REMANDED BACK** to the First Appellate Authority. The Authority is directed to decide the complainant's RTI application (enclosed herewith) as the first appeal and to decide the matter in accordance with the provisions of the RTI Act, 2005, after giving all concerned parties an opportunity to be heard.
8. In the event that the complainant is dissatisfied with the decision of the First Appellate Authority, he will be at liberty to file a second appeal before this Commission under Section 19(3) of the RTI Act, 2005.
9. In view of the above, the instant complaint case is hereby **DISPOSED OF AND CLOSED.**

(Sandeep Singh Dhaliwal)

State Information Commissioner, Punjab.

Chandigarh

11.03.2025

First Appellant Authority, (encl. RTI)

O/o XEN,

Punjab State Power Corporation Ltd., (PSPCL),

Samrala, District Ludhiana.

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Shri Harmesh Chand, (9815430419)
Ex. Sarpanch, Gram Panchayat Nurpur Khurd,
Block Nurpur Bedi, Tehsil Sri Anandpur Sahib,
District Rupnagar.

...Complainant

Versus

Public Information Officer,
O/o Chief Conservator of Forests (Hills),
S.A.S. Nagar (Mohali).

....Respondent

COMPLAINT CASE NO. 0662 OF 2023

Date of RTI Application	Date of Reply, if any of SPIO	Date of Appeal/ Complaint Filed in Commission
29.05.2023	-	25.10.2023

Present: Complainant: Absent
Respondent: Sh. Harjinder Singh (DFO)

FINAL ORDER :

1. The Complainant is absent today. The **respondent** Sh. Harjinder Singh (DFO) stated that the sought information has been provided to the complainant and no any other information pertaining to this rti application is pending any more.
2. The **Bench observes** that the **complainant** has directly approached the **Commission** by preferring a **complaint under section 18** , rather than utilizing the **alternative and efficacious remedy** of a **first appeal** available under **Section 19(1) of the RTI Act, 2005**.
3. It is further noted that the **First Appellate Authority** has not yet had the opportunity to review the decision of the **PIO** by passing a **detailed, well-reasoned speaking order**, as envisaged under the **RTI Act**.
4. The complainant is hereby reminded of the **judgment of the Hon'ble Supreme Court of India** dated **12.12.2011** in **Civil Appeal Nos. 10787-10788 of 2011** (arising out of **SLP(C) Nos. 32768-32769/2010**), specifically **paragraph 31**, which held that when a **complaint** is entertained under **Section 18 of the RTI Act, 2005**, the **Commissioners do not have jurisdiction** to order **access to the information**.
5. Since an **alternative remedy** in the form of a **first appeal under Section 19(1) of the RTI Act, 2005** exists—which has **not been availed** of in the present case—and since the **First Appellate Authority** has not reviewed the decision of the **PIO**, this **Commission cannot direct further provision of information**.
6. Accordingly, this case is **REMANDED BACK** to the **First Appellate Authority**. The Authority is **directed** to decide the **complainant's RTI application (enclosed herewith)** as the **first appeal** and to **decide the matter** in accordance with the provisions of the **RTI Act, 2005**, after giving **all concerned parties an opportunity to be heard**.

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COMPLAINT CASE NO. 0662 OF 2023

7. In the event that the **complainant is dissatisfied** with the decision of the **First Appellate Authority**, he will be at **liberty to file a second appeal** before this **Commission** under **Section 19(3) of the RTI Act, 2005**.
8. In view of the above, the **instant complaint case is hereby disposed of and closed**.

(Sandeep Singh Dhaliwal)

State Information Commissioner, Punjab.

Chandigarh

11.03.2025

First Appellant Authority, (encl. RTI)
O/o Director, Conservator of Forests (Hills),
S.A.S. Nagar (Mohali).

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Shri Iqbal Singh, (9417668155)

S/o Shri Karnail Singh,

R/o V.P.O. Roomi, Tehsil Jagraon,

District Ludhiana.

...Complainant

Versus

Public Information Officer,

O/o Chief Executive Officer, Punjab Wakaf Board,

S.C.O No. 1062-63, Himalaya Marg,

Sector-22-B, Chandigarh-160022

....Respondent

COMPLAINT CASE NO. 0663 OF 2023

Date of RTI Application	Date of Reply, if any of SPIO	Date of Appeal/ Complaint Filed in Commission
25.07.2023	-	25.10.2023

Present:

Complainant: Absent

Respondent: Md. Momeen (Section Officer)

FINAL ORDER :

1. **Complainant is** absent today. The respondent, **Md. Momeen (Section Officer)**, stated that the sought information is **very vague**, as the complainant has **not mentioned the time period** for which the information has been sought.
2. The **Bench observes** that the **complainant** has directly approached the **Commission** by preferring a **complaint under section 18**, rather than utilizing the **alternative and efficacious remedy** of a **first appeal** available under **Section 19(1) of the RTI Act, 2005**.
3. It is further noted that the **First Appellate Authority** has not yet had the opportunity to review the decision of the **PIO** by passing a **detailed, well-reasoned speaking order**, as envisaged under the **RTI Act**.
4. The complainant is hereby reminded of the **judgment of the Hon'ble Supreme Court of India** dated **12.12.2011** in **Civil Appeal Nos. 10787-10788 of 2011** (arising out of **SLP(C) Nos. 32768-32769/2010**), specifically **paragraph 31**, which held that when a **complaint** is entertained under **Section 18 of the RTI Act, 2005**, the **Commissioners do not have jurisdiction** to order **access to the information**.
5. Since an **alternative remedy** in the form of a **first appeal under Section 19(1) of the RTI Act, 2005** exists—which has **not been availed** of in the present case—and since the **First Appellate Authority** has not reviewed the decision of the **PIO**, this **Commission cannot direct further provision of information**.
6. Accordingly, this case is **REMANDED BACK** to the **First Appellate Authority**. The Authority is **directed** to decide the **complainant's RTI application (enclosed herewith)** as the **first appeal** and to **decide the matter** in accordance with the provisions of the **RTI Act, 2005**, after giving **all concerned parties an opportunity to be heard**.

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COMPLAINT CASE NO. 0663 OF 2023

7. In the event that the **complainant is dissatisfied** with the decision of the **First Appellate Authority**, he will be at **liberty to file a second appeal** before this **Commission** under **Section 19(3) of the RTI Act, 2005**.
8. In view of the above, the **instant complaint case is hereby disposed of and closed**.

(Sandeep Singh Dhaliwal)

State Information Commissioner, Punjab.

Chandigarh

11.03.2025

First Appellant Authority, (encl. RTI)
O/o Chief Executive Officer, Punjab Wakaf Board,
S.C.O No. 1062-63, Himalaya Marg,
Sector-22-B, Chandigarh-160022

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Shri Suba Singh, (9855870790)

S/o Shri Mukand Singh,

R/o V.P.O. Dakonda, Tehsil Nabha,

District Patiala – 147104

...Complainant

Versus

Public Information Officer,

O/o Food & Civil Supplies Department,

Nabha, District Patiala.

....Respondent

COMPLAINT CASE NO. 0664 OF 2023

Date of RTI Application	Date of Reply, if any of SPIO	Date of Appeal/ Complaint Filed in Commission
09.09.2023	-	25.10.2023

Present:

Complainant: Absent

Respondent: Sh. Pankaj Thakur (AFSO Nabha) ,

Sh. Abhinay Bansal (Inspector, Nabha)

FINAL ORDER :

1. The complainant is absent today. The respondent, **Sh. Pankaj Thakur (AFSO Nabha)**, stated that the requisite reply pertaining to the RTI application has already been provided to the complainant **vide letter No. 1051 dated 24.11.2023**.
2. The **Bench observes** that the **complainant** has directly approached the **Commission** by preferring a **complaint under section 18**, rather than utilizing the **alternative and efficacious remedy** of a **first appeal** available under **Section 19(1) of the RTI Act, 2005**.
3. It is further noted that the **First Appellate Authority** has not yet had the opportunity to review the decision of the **PIO** by passing a **detailed, well-reasoned speaking order**, as envisaged under the **RTI Act**.
4. The complainant is hereby reminded of the **judgment of the Hon'ble Supreme Court of India** dated **12.12.2011** in **Civil Appeal Nos. 10787-10788 of 2011** (arising out of **SLP(C) Nos. 32768-32769/2010**), specifically **paragraph 31**, which held that when a **complaint** is entertained under **Section 18 of the RTI Act, 2005**, the **Commissioners do not have jurisdiction** to order **access to the information**.
5. Since an **alternative remedy** in the form of a **first appeal under Section 19(1) of the RTI Act, 2005** exists—which has **not been availed** of in the present case—and since the **First Appellate Authority** has not reviewed the decision of the **PIO**, this **Commission cannot direct further provision of information**.
6. Accordingly, this case is **REMANDED BACK** to the **First Appellate Authority**. The Authority is **directed** to decide the **complainant's RTI application (enclosed herewith)** as the **first appeal** and to **decide the matter** in accordance with the provisions of the **RTI Act, 2005**, after giving **all concerned parties an opportunity to be heard**.

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COMPLAINT CASE NO. 0664 OF 2023

7. In the event that the **complainant is dissatisfied** with the decision of the **First Appellate Authority**, he will be at **liberty to file a second appeal** before this **Commission** under **Section 19(3) of the RTI Act, 2005**.
8. In view of the above, the **instant complaint case is hereby disposed of and closed**.

(Sandeep Singh Dhaliwal)

State Information Commissioner, Punjab.

Chandigarh

11.03.2025

First Appellant Authority, (encl. RTI)
O/o District Food & Civil Supplies Department,
District Patiala

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Shri Suba Singh, (9855870790)
S/o Shri Mukand Singh,
R/o V.P.O. Dakonda, Tehsil Nabha,
District Patiala – 147104

...Complainant

Versus

Public Information Officer,
O/o Deputy Commissioner,
Patiala.

....Respondent

COMPLAINT CASE NO. 0665 OF 2023

Date of RTI Application	Date of Reply, if any of SPIO	Date of Appeal/ Complaint Filed in Commission
30.08.2023	-	25.10.2023

Present: Complainant: Absent
Respondent: Absent

FINAL ORDER :

1. Both the parties are absent.
2. The **Bench observes** that the **complainant** has directly approached the **Commission** by preferring a **complaint under section 18**, rather than utilizing the **alternative and efficacious remedy** of a **first appeal** available under **Section 19(1) of the RTI Act, 2005**.
3. It is further noted that the **First Appellate Authority** has not yet had the opportunity to review the decision of the **PIO** by passing a **detailed, well-reasoned speaking order**, as envisaged under the **RTI Act**.
4. The complainant is hereby reminded of the **judgment of the Hon'ble Supreme Court of India** dated **12.12.2011** in **Civil Appeal Nos. 10787-10788 of 2011** (arising out of **SLP(C) Nos. 32768-32769/2010**), specifically **paragraph 31**, which held that when a **complaint** is entertained under **Section 18 of the RTI Act, 2005**, the **Commissioners do not have jurisdiction** to order **access to the information**.
5. Since an **alternative remedy** in the form of a **first appeal under Section 19(1) of the RTI Act, 2005** exists—which has **not been availed** of in the present case—and since the **First Appellate Authority** has not reviewed the decision of the **PIO**, this **Commission cannot direct further provision of information**.
6. Accordingly, this case is **REMANDED BACK** to the **First Appellate Authority**. The Authority is **directed** to decide the **complainant's RTI application (enclosed herewith)** as the **first appeal** and to **decide the matter** in accordance with the provisions of the **RTI Act, 2005**, after giving **all concerned parties an opportunity to be heard**.

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COMPLAINT CASE NO. 0665 OF 2023

7. In the event that the **complainant is dissatisfied** with the decision of the **First Appellate Authority**, he will be at **liberty to file a second appeal** before this **Commission** under **Section 19(3) of the RTI Act, 2005**.
8. In view of the above, the **instant complaint case is hereby disposed of and closed**.

(Sandeep Singh Dhaliwal)

State Information Commissioner, Punjab.

Chandigarh

11.03.2025

First Appellant Authority, (encl. RTI)
O/o DC, Patiala

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Shri Manpreet Singh, (8427274025)
S/o Shri Makhan Singh,
R/o V.P.O. Dakonda, Tehsil Nabha,
District Patiala – 147104

...Complainant

Versus

Public Information Officer,
O/o Food & Civil Supplies Department,
Nabha, District Patiala.

....Respondent

COMPLAINT CASE NO. 0666 OF 2023

Date of RTI Application	Date of Reply, if any of SPIO	Date of Appeal/ Complaint Filed in Commission
09.09.2023	-	25.10.2023

Present: Complainant: Absent
Respondent: Sh. Pankaj Thakur (AFSO Nabha) ,
Sh. Abhinay Bansal (Inspector, Nabha)

FINAL ORDER :

1. The complainant is absent today. The respondent, **Sh. Pankaj Thakur (AFSO Nabha)**, stated that the requisite reply pertaining to the RTI application has already been provided to the complainant **vide letter No. 1053 dated 24.11.2023**.
2. The **Bench observes** that the **complainant** has directly approached the **Commission** by preferring a **complaint under section 18**, rather than utilizing the **alternative and efficacious remedy** of a **first appeal** available under **Section 19(1) of the RTI Act, 2005**.
3. It is further noted that the **First Appellate Authority** has not yet had the opportunity to review the decision of the **PIO** by passing a **detailed, well-reasoned speaking order**, as envisaged under the **RTI Act**.
4. The complainant is hereby reminded of the **judgment of the Hon'ble Supreme Court of India** dated **12.12.2011** in **Civil Appeal Nos. 10787-10788 of 2011** (arising out of **SLP(C) Nos. 32768-32769/2010**), specifically **paragraph 31**, which held that when a **complaint** is entertained under **Section 18 of the RTI Act, 2005**, the **Commissioners do not have jurisdiction** to order **access to the information**.
5. Since an **alternative remedy** in the form of a **first appeal under Section 19(1) of the RTI Act, 2005** exists—which has **not been availed** of in the present case—and since the **First Appellate Authority** has not reviewed the decision of the **PIO**, this **Commission cannot direct further provision of information**.
6. Accordingly, this case is **REMANDED BACK** to the **First Appellate Authority**. The Authority is **directed** to decide the **complainant's RTI application (enclosed herewith)** as the **first appeal** and to **decide the matter** in accordance with the provisions of the **RTI Act, 2005**, after giving **all concerned parties an opportunity to be heard**.

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COMPLAINT CASE NO. 0666 OF 2023

7. In the event that the **complainant is dissatisfied** with the decision of the **First Appellate Authority**, he will be at **liberty to file a second appeal** before this **Commission** under **Section 19(3) of the RTI Act, 2005**.
8. In view of the above, the **instant complaint case is hereby disposed of and closed**.

(Sandeep Singh Dhaliwal)

State Information Commissioner, Punjab.

Chandigarh

11.03.2025

First Appellant Authority, (encl. RTI)
O/o District Food & Civil Supplies Department,
District Patiala

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Ms. Jyoti D/o Shri Jagshir Singh, (7719671017)
R/o Village Mansoorwal Kalan,
Tehsil Zira, District Ferozepur.

...Complainant

Versus

Public Information Officer,
O/o Senior Superintendent of Police,
Ferozepur.

....Respondent

COMPLAINT CASE NO. 0669 OF 2023

Date of RTI Application	Date of Reply, if any of SPIO	Date of Appeal/ Complaint Filed in Commission
17.07.2023	-	26.10.2023

Present: Complainant: Absent
Respondent: ASI Balwinder Singh

FINAL ORDER :

1. The complainant is absent today. The respondent, **ASI Balwinder Singh**, stated that the sought information is currently under investigation and is **exempted from disclosure under Section 8(1)(j) of the RTI Act, 2005**.
2. The **Bench observes** that the **complainant** has directly approached the **Commission** by preferring a **complaint under section 18**, rather than utilizing the **alternative and efficacious remedy** of a **first appeal** available under **Section 19(1) of the RTI Act, 2005**.
3. It is further noted that the **First Appellate Authority** has not yet had the opportunity to review the decision of the **PIO** by passing a **detailed, well-reasoned speaking order**, as envisaged under the **RTI Act**.
4. The complainant is hereby reminded of the **judgment of the Hon'ble Supreme Court of India** dated **12.12.2011** in **Civil Appeal Nos. 10787-10788 of 2011** (arising out of **SLP(C) Nos. 32768-32769/2010**), specifically **paragraph 31**, which held that when a **complaint** is entertained under **Section 18 of the RTI Act, 2005**, the **Commissioners do not have jurisdiction** to order **access to the information**.
5. Since an **alternative remedy** in the form of a **first appeal under Section 19(1) of the RTI Act, 2005** exists—which has **not been availed** of in the present case—and since the **First Appellate Authority** has not reviewed the decision of the **PIO**, this **Commission cannot direct further provision of information**.
6. Accordingly, this case is **REMANDED BACK** to the **First Appellate Authority**. The Authority is **directed** to decide the **complainant's RTI application (enclosed herewith)** as the **first appeal** and to **decide the matter** in accordance with the provisions of the **RTI Act, 2005**, after giving **all concerned parties an opportunity to be heard**.

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COMPLAINT CASE NO. 0669 OF 2023

7. In the event that the **complainant is dissatisfied** with the decision of the **First Appellate Authority**, he will be at **liberty to file a second appeal** before this **Commission** under **Section 19(3) of the RTI Act, 2005**.
8. In view of the above, the **instant complaint case is hereby disposed of and closed**.

(Sandeep Singh Dhaliwal)

State Information Commissioner, Punjab.

Chandigarh

11.03.2025

First Appellant Authority, (encl. RTI)
O/o DIG, Ferozepur Range

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Shri Mukand Singh, (9878661720)

S/o Shri Nek Singh,

R/o Village Chunagra, Tehsil Patran,

District Patiala.

...Complainant

Versus

Public Information Officer,

O/o Block Development & Panchayat Officer,

Block Patran, District Patiala.

....Respondent

COMPLAINT CASE NO. 0670 OF 2023

Date of RTI Application	Date of Reply, if any of SPIO	Date of Appeal/ Complaint Filed in Commission
30.05.2023	-	27.10.2023

Present: Complainant: Shri Mukand Singh
Respondent: Absent

FINAL ORDER :

1. The complainant stated that **no information has been provided to him so far** by the PIO and requested that the information be supplied to him. **The PIO is absent today.**
2. The **Bench observes** that the **complainant** has directly approached the **Commission** by preferring a **complaint under section 18**, rather than utilizing the **alternative and efficacious remedy** of a **first appeal** available under **Section 19(1) of the RTI Act, 2005.**
3. It is further noted that the **First Appellate Authority** has not yet had the opportunity to review the decision of the **PIO** by passing a **detailed, well-reasoned speaking order**, as envisaged under the **RTI Act.**
4. The complainant is hereby reminded of the **judgment of the Hon'ble Supreme Court of India** dated **12.12.2011** in **Civil Appeal Nos. 10787-10788 of 2011** (arising out of **SLP(C) Nos. 32768-32769/2010**), specifically **paragraph 31**, which held that when a **complaint** is entertained under **Section 18 of the RTI Act, 2005**, the **Commissioners do not have jurisdiction** to order **access to the information.**
5. Since an **alternative remedy** in the form of a **first appeal under Section 19(1) of the RTI Act, 2005** exists—which has **not been availed** of in the present case—and since the **First Appellate Authority** has not reviewed the decision of the **PIO**, this **Commission cannot direct further provision of information.**
6. Accordingly, this case is **REMANDED BACK** to the **First Appellate Authority.** The Authority is **directed** to decide the **complainant's RTI application (enclosed herewith)** as the **first appeal** and to **decide the matter** in accordance with the provisions of the **RTI Act, 2005**, after giving **all concerned parties an opportunity to be heard.**

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COMPLAINT CASE NO. 0670 OF 2023

7. In the event that the **complainant is dissatisfied** with the decision of the **First Appellate Authority**, he will be at **liberty to file a second appeal** before this **Commission** under **Section 19(3) of the RTI Act, 2005**.
8. In view of the above, the **instant complaint case is hereby disposed of and closed**.

(Sandeep Singh Dhaliwal)

State Information Commissioner, Punjab.

Chandigarh

11.03.2025

First Appellant Authority, (encl. RTI)
O/o District Development & Panchayat Officer,
District Patiala.

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Shri Sukhdev Raj, (9815318228)
R/o H. No. 2472-73/1, Chowk Cheel Mandi,
Amritsar-143001

...Complainant

Versus

Public Information Officer,
O/o Municipal Corporation,
Amritsar.

First Appellate Authority,
O/o Commissioner,
Municipal Corporation, Amritsar.

....Respondents

COMPLAINT CASE NO. 0671 OF 2023

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal	Date of Appeal/ Complaint Filed in Commission
23.05.2022		20.07.2023	20.10.2023

Present: Complainant: Absent
Respondent: Absent

FINAL ORDER :

1. Both the parties are absent..
2. The **Bench observes** that the **complainant** has directly approached the **Commission** by preferring a **complaint under section 18**, rather than utilizing the **alternative and efficacious remedy** of a **first appeal** available under **Section 19(1) of the RTI Act, 2005**.
3. It is further noted that the **First Appellate Authority** has not yet had the opportunity to review the decision of the **PIO** by passing a **detailed, well-reasoned speaking order**, as envisaged under the **RTI Act**.
4. The complainant is hereby reminded of the **judgment of the Hon'ble Supreme Court of India** dated **12.12.2011** in **Civil Appeal Nos. 10787-10788 of 2011** (arising out of **SLP(C) Nos. 32768-32769/2010**), specifically **paragraph 31**, which held that when a **complaint** is entertained under **Section 18 of the RTI Act, 2005**, the **Commissioners do not have jurisdiction** to order **access to the information**.
5. Since an **alternative remedy** in the form of a **first appeal under Section 19(1) of the RTI Act, 2005** exists—which has **not been availed** of in the present case—and since the **First Appellate Authority** has not reviewed the decision of the **PIO**, this **Commission cannot direct further provision of information**.
6. Accordingly, this case is **REMANDED BACK** to the **First Appellate Authority**. The Authority is **directed** to decide the **complainant's RTI application (enclosed herewith)** as the **first appeal** and to **decide the matter** in accordance with the provisions of the **RTI Act, 2005**, after giving **all concerned parties an opportunity to be heard**.

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COMPLAINT CASE NO. 0671 OF 2023

7. In the event that the **complainant is dissatisfied** with the decision of the **First Appellate Authority**, he will be at **liberty to file a second appeal** before this **Commission** under **Section 19(3) of the RTI Act, 2005**.
8. In view of the above, the **instant complaint case is hereby disposed of and closed**.

(Sandeep Singh Dhaliwal)

State Information Commissioner, Punjab.

Chandigarh

11.03.2025

First Appellant Authority, (encl. RTI)
O/o Commissioner,
Municipal Corporation, Amritsar.

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Shri Gurcharan Ram Chaudhary, (9316543939)

R/o Village Kheri Gujra,

Tehsil Derabassi, District S.A.S Nagar.

...Complainant

Versus

Public Information Officer,

O/o Executive Officer,

Nagar Council, Dera Bassi,

District S.A.S. Nagar.

....Respondent

COMPLAINT CASE NO. 0672 OF 2023

Date of RTI Application	Date of Reply, if any of SPIO	Date of Appeal/ Complaint Filed in Commission
29.08.2023	-	31.10.2023

Present: Complainant: Shri Gurcharan Ram Chaudhary
Respondent: Absent

FINAL ORDER :

1. The complainant stated that **no information has been provided to him so far** by the PIO and requested that the information be supplied to him. **The PIO is absent today.**
2. The **Bench observes** that the **complainant** has directly approached the **Commission** by preferring a **complaint under section 18**, rather than utilizing the **alternative and efficacious remedy** of a **first appeal** available under **Section 19(1) of the RTI Act, 2005**.
3. It is further noted that the **First Appellate Authority** has not yet had the opportunity to review the decision of the **PIO** by passing a **detailed, well-reasoned speaking order**, as envisaged under the **RTI Act**.
4. The complainant is hereby reminded of the **judgment of the Hon'ble Supreme Court of India** dated **12.12.2011** in **Civil Appeal Nos. 10787-10788 of 2011** (arising out of **SLP(C) Nos. 32768-32769/2010**), specifically **paragraph 31**, which held that when a **complaint** is entertained under **Section 18 of the RTI Act, 2005**, the **Commissioners do not have jurisdiction** to order **access to the information**.
5. Since an **alternative remedy** in the form of a **first appeal under Section 19(1) of the RTI Act, 2005** exists—which has **not been availed** of in the present case—and since the **First Appellate Authority** has not reviewed the decision of the **PIO**, this **Commission cannot direct further provision of information**.
6. Accordingly, this case is **REMANDED BACK** to the **First Appellate Authority**. The Authority is **directed** to decide the **complainant's RTI application (enclosed herewith)** as the **first appeal** and to **decide the matter** in accordance with the provisions of the **RTI Act, 2005**, after giving **all concerned parties an opportunity to be heard**.

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COMPLAINT CASE NO. 0672 OF 2023

7. In the event that the **complainant is dissatisfied** with the decision of the **First Appellate Authority**, he will be at **liberty to file a second appeal** before this **Commission** under **Section 19(3) of the RTI Act, 2005**.
8. In view of the above, the **instant complaint case is hereby disposed of and closed**.

(Sandeep Singh Dhaliwal)

State Information Commissioner, Punjab.

Chandigarh

11.03.2025

First Appellant Authority, (encl. RTI)
O/o SDM, Dera Bassi