

# PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,  
Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864113, Visit us @ [www.infocommpunjab.com](http://www.infocommpunjab.com),  
Email: [psic22@punjabmail.gov.in](mailto:psic22@punjabmail.gov.in)



**Shri Sanjeev Kumar (9478247010)**

S/o Shri Joginder Singh,  
Village Rahimapur, PO Mahirahwal,  
District Hoshiarpur (146024)

...Complainant

V/s.

**Public Information Officer,**

O/o BDPO, Bhunga,  
District Hoshiarpur.

**Regd. Post**

**Remanded Back to:**  
**First Appellate Authority**  
O/o DDPO, Hoshiarpur.

**Encl. RTI application**

....Respondents

## Complaint Case No. 123 of 2023

**PRESENT:** Complainant: Shri Sanjeev Kumar (9478247010)

Respondent: Shri Parvesh Thakur, GRS (9464591019)

### **ORDER:**

The above said Complaint Case was earlier allocated to Shri Anumit Singh Sodhi, State Information Commissioner. After his retirement, the said Complaint Case was allocated to the undersigned Bench. The application dated **03.01.2023** vide which the complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on **14.02.2023** under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of Hearing was issued to the parties for **03.12.2024**, which was postponed and fixed for today i.e. **18.12.2024**.

2. The respondent states that the requisite information relates to DFO, Hoshiarpur and he also states that the reply has already been sent to the complainant. The complainant is present and states that his essential purpose is to obtain the demanded information as mentioned in his RTI application.

3. As the complainant is interested to collect / get the sought information. It is appropriate to mention that Hon'ble Supreme Court of India in its order rendered on 12.12.2011 in Civil Appeal Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768- 32769/2010) has held that while entertaining a complaint under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information. Since the complainant has approached the Commission under the provisions of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

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## Complaint Case No. 123 of 2023

2/2

4. Since, an alternative and efficacious remedy of first appeal is available to the complainant who is interested in getting the information, accordingly, without going into the merits of the case, the case is remanded back to the **First Appellate Authority i.e. O/o DDPO, Hoshiarpur**, to take appropriate decision in accordance with the provisions of the RTI Act, 2005, within the prescribed timeline, after giving opportunity of hearing to all concerned by passing a speaking order.

5. With these directions, the case is **disposed of and closed**. However, the liberty is granted to the complainant to file second appeal, if he is not satisfied / does not receive the decision of the First Appellate Authority.

Date: 18.12.2024

Sd/-  
(Virinderjit Singh Billing)  
State Information Commissioner  
Punjab

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**Shri Vikram Sharma, Advocate (9592960201)**

Office 2045, Near Taj Tower, Sector 104,  
Mohali.

...Complainant

V/s.

**Public Information Officer,**

O/o SDM, Budhlada,  
District Mansa.

**Regd. Post**

**Remanded Back to:**

**First Appellate Authority**

**O/o SDM, Mansa**

**Encl. RTI application**

....Respondents

## Complaint Case No. 131 of 2023

**PRESENT:** Complainant: Absent

Respondent: Shri Harvinder Singh, JA (9465259752)

**ORDER:**

The above said Complaint Case was earlier allocated to Shri Anumit Singh Sodhi, State Information Commissioner. After his retirement, the said Complaint Case was allocated to the undersigned Bench. The application dated **22.12.2022** vide which the complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on **14.02.2023** under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of Hearing was issued to the parties for **03.12.2024**, which was postponed and fixed for today i.e. **18.12.2024**.

2. The respondent states that reply has already been supplied to the complainant and also he submitted a copy of reply at today's hearing vide letter no. 12 dated 3.02.2023, which is taken on record. The complainant is absent without intimation. The complainant has filed complaint case in the Commission.

3. It is appropriate to mention that Hon'ble Supreme Court of India in its order rendered on 12.12.2011 in Civil Appeal Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010) has held that while entertaining a complaint under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information. Since the complainant has approached the Commission under the provisions of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

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## Complaint Case No. 131 of 2023

2/2

4. Since, an alternative and efficacious remedy of first appeal is available to the complainant who is interested in getting the information, accordingly, without going into the merits of the case, the case is remanded back to the **First Appellate Authority i.e. O/o SDM, Mansa**, to take appropriate decision in accordance with the provisions of the RTI Act, 2005, within the prescribed timeline, after giving opportunity of hearing to all concerned by passing a speaking order.

5. With these directions, the case is **disposed of and closed**. However, the liberty is granted to the complainant to file second appeal, if he is not satisfied / does not receive the decision of the First Appellate Authority.

Date: 18.12.2024

Sd/-  
(Virinderjit Singh Billing)  
State Information Commissioner  
Punjab