

PUNJAB STATE INFORMATION COMMISSION
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Sector 16, Chandigarh.
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Email: - psic21@punjabmail.gov.in
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Sh. Vasakha Singh, S/o Sh. Inder Singh,
#260, Ward No: 3, Bhuchio Kalan, Bhuchio Mandi,
District: Bathinda.(M:9417954821)

....Complainant

V/s

Public Information Officer,
O/o Chief Engineer,
Public Works Department (Buildings & Roads),
Patiala.

....Respondents

Complaint Case No.238 of 2024

Present: (i) Sh. Vasakha Singh, the complainant.
(ii) Sh. Narinder Kumar, Clerk along with Sh. Sitish Garg, Clerk, on behalf of the respondent PIO.

ORDER:

1. The RTI application is dated 04.10.2023 vide which the Complainant has sought information as enumerated in his RTI application. The complaint was filed by the complainant in the Commission on 04.06.2024 under Section 18 of the Right to Information Act, 2005 (hereinafter called the RTI Act). Notice of hearing was issued to the parties for today i.e.18.06.2025 by the Commission.
2. At today's hearing, the complainant requested that directions may be issued to the respondent PIO to provide the desired information.
3. The respondent PIO, represented by Sh. Narinder Kumar, Clerk along with Sh. Sitish Garg, Clerk, file a reply to the Commission's Notice of Hearing vide letter dated 18.6.2025 mentioning therein that the complainant has sought the information from 2013 to 2023, which is quite voluminous and it is not feasible to provide the requisite information as it is to be collected from all over the Punjab Districts. He further adds that the complainant was asked to visit their office at Patiala and inspect the relevant record but he did not turn up.
4. Post deliberations, 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 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:-

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Complaint Case No.238 of 2024

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. Sh. Ravi Bhagat, Principal Secretary, PWD (B&R), Punjab**. 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.

Dated: 18th June, 2025

Sd/-
(Pooja Gupta)
State Information Commissioner
Punjab

Remanded Back (Regd. Post)

Sh. Ravi Bhagat, IAS
First Appellate Authority-cum- Principal Secretary, PWD (B&R)
Mini Secretariat, Sector: 09, Chandigarh.

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Sh. Madan Lal, S/o Sh. Thakur Dass,
Village Natha Nangal, Post Office Kathgarh,
Tehsil Balachaur, District: SBS Nagar-144522
(M: 9592942339)

....Complainant

V/s

Public Information Officer,
O/o District Education Officer (Secondary),
Shaheed Bhagat Singh Nagar.

....Respondents

Complaint Case No.239 of 2024

Present:

- (i) None is present on behalf of the complainant.
- (ii) Sh. Harvinder Pal Singh, Science Master (Incharge) along with Sh. Ashwani Kumar, Math Master, on behalf of the respondent PIO.

ORDER:

1. The RTI application is dated 15.04.2024 vide which the Complainant has sought information as enumerated in his RTI application. The complaint was filed by the complainant in the Commission on 11.06.2024 under Section 18 of the Right to Information Act, 2005 (hereinafter called the RTI Act). Notice of hearing was issued to the parties for today i.e. 18.06.2025 by the Commission.
2. At today's hearing, the complainant is absent without intimation.
3. The respondent PIO, represented by Sh. Harvinder Pal Singh, Science Master along with Sh. Ashwani Kumar, Math Master, file a reply to the Commission's Notice of hearing vide letter dated 13.06.2025, mentioning therein that reply has already been sent to the complainant vide letter dated 28.05.2024. In the meanwhile, the complainant was contacted on telephone. He is apprised of the version of respondent PIO. He shows his dissatisfaction over the reply of the respondent PIO and requested that directions may be issued to the respondent PIO to provide the correct information.
4. Post deliberations, 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 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:-

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Complaint Case No.239 of 2024

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. Smt. Anita Sharma, District Education Officer (Secondary Education), SBS Nagar**. 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. She 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.

Dated: 18th June, 2025

Sd/-
(Pooja Gupta)
State Information Commissioner
Punjab

Remanded Back (Regd. Post)

Smt. Anita Sharma,
First Appellate Authority-cum-District Education Officer (SE),
Shaheed Bhagat Singh Nagar.



Sh. Tarlochan Singh Bhatia (Retired XEN),
2512, Street No 14, Dashmesh Nagar, Gill Road,
Ludhiana-141003(M: 9478202953) (9530562832)

....Complainant

V/s

Public Information Officer,
O/o Station House Officer,
Salem Tabri Police Station,
Salem Tabri, Ludhiana.

....Respondents

Complaint Case No.243 of 2024

Present: (i) Sh. Tarlochan Singh Bhatia, the complainant.
(ii) ASI Ravinder Kumar on behalf of the respondent PIO.

ORDER:

1. The RTI application is dated 14.02.2024 vide which the Complainant has sought information as enumerated in his RTI application. The complaint was filed by the complainant in the Commission on 05.06.2024 under Section 18 of the Right to Information Act, 2005 (hereinafter called the RTI Act). Notice of hearing was issued to the parties for today i.e.18.06.2025 by the Commission.
2. The complainant requested that directions may be issued to the respondent PIO to provide the desired information.
3. The respondent PIO, represented by ASI Ravinder Kumar, file a reply to the Commission's Notice of hearing vide letter dated 13.06.2025, mentioning therein that they visited at the place of proclaimed offender Sh. Rajan Kumar and met his brother Sh. Kapil Dev, who informed them that his brother Sh. Rajan Kumar is out of city with his family for vacations and will come back on 22.06.2025, after that they can take action against him. The complainant states that he has received the above said reply but he is not satisfied with the same.
4. Post deliberations, 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 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:-

Contd...p-2



Complaint Case No.243 of 2024

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. Sh.Swapan Sharma, IPS, Commissioner of Police, Ludhiana**. 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.

Dated: 18th June, 2025

Sd/-
(Pooja Gupta)
State Information Commissioner
Punjab

Remanded Back (Regd. Post)
Sh. Swapan Sharma, IPS,
First Appellate Authority-cum- Commissioner of Police,
Ludhiana.

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Sh. Ranbir Singh, (M:8360580097)
866, Sector-79, Sohana,
District: SAS Nagar (Mohali)-140308

....Complainant

V/s

Public Information Officer,
O/o Senior Executive Engineer,
PSPCL, Distribution Circle, Mohali.

....Respondents

Complaint Case No.246 of 2024

Present: (i) None is present on behalf of the complainant.
(ii) Sh. Bawa Singh, AEE on behalf of the respondent PIO.

ORDER:

1. The RTI application is dated 15.02.2024 vide which the Complainant has sought information as enumerated in his RTI application. The complaint was filed by the complainant in the Commission on 11.06.2024 under Section 18 of the Right to Information Act, 2005 (hereinafter called the RTI Act). Notice of hearing was issued to the parties for today i.e.18.06.2025 by the Commission.
2. At today's hearing, the complainant is absent without intimation.
3. The respondent PIO, represented by Sh. Bawa Singh, AEE, files a reply to the Commission's Notice of hearing mentioning therein that point wise written reply has already been sent to the complainant vide letter dated 23.02.2024. Copy of the same is taken on record.
4. After perusal of the case file, it is ascertained that the complainant in his complaint filed before the Commission mentioned that he had filed number of applications to the respondent PIO but correct and complete information has not been provided to him and requested that directions may be issued to the respondent PIO to provide the desired information.
5. Post deliberations, 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 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:-

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Complaint Case No.246 of 2024

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. Sh.R.K.Mittal, Chief Engineer, PSPCL, Patiala**. 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.

Dated: 18th June, 2025

Sd/-
(Pooja Gupta)
State Information Commissioner
Punjab

Remanded Back (Regd. Post)

**Sh. R.K.Mittal, Chief Engineer-cum-
First Appellate Authority,
Plot No D-2, Shakti Vihar,
PSPCL, Patiala.**

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Ms Dimple Badesha, W/o Naib Singh,
H.No 948/3, Dhobi Ghat,
Now R/o Indira Market, Patiala. (M: 7814013214)

....Complainant

V/s

Public Information Officer,
O/o Commissioner,
Municipal Corporation, Patiala.

First Appeal Authority,
Municipal Corporation, Patiala.

....Respondents

Complaint Case No.247 of 2024

Present: (i) Ms. Dimple Badesha, the complainant.
(ii) Sh. Sandeep Saini, Architect-cum-PIO, the respondent.

ORDER:

1. The RTI application is dated 12.01.2024 vide which the Complainant has sought information as enumerated in her RTI application. The complaint was filed by the complainant in the Commission on 06.06.2024 under Section 18 of the Right to Information Act, 2005 (hereinafter called the RTI Act). Notice of hearing was issued to the parties for today i.e.18.06.2025 by the Commission.
2. The complainant requested that directions may be issued to the respondent PIO to provide the desired information.
3. The respondent PIO Sh. Sandeep Saini, Architect-cum-PIO is appearing in person and files a reply to the Commission's Notice of hearing mentioning therein that the information as sought by the complainant has already been sent to her vide letter dated 08.02.2024 and thereafter filing the first appeal, another reply vide letter dated 15.03.2024 has been sent to her. He further adds that all the information regarding Punjab Municipal Building Byelaws is available on the official website i.e. www.enaksha.lgpunjab.gov.in. Copy of both the replies is handed over to the complainant today in the Commission, during the proceedings.
4. After going through the replies, the complainant has given consent letter that she is satisfied with the information and does not intend to pursue the case further.
5. Keeping in view of the above, the Commission is of the view that no further action is required to be taken in this case. Hence, the case is **disposed of and closed.** Copies of the order be sent to the parties.

Dated: 18th June, 2025

Sd/-
(Pooja Gupta)
State Information Commissioner
Punjab

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Ms. Kiran Rani, W/o Sh. Vijay Kumar Mittal,
869, Street No 8, Ganesh Nagar,
Bathinda. (M: 9646004537)
RTI Application No 117446.

....Complainant

V/s

Public Information Officer,
O/o Punjab Small Industries & Export Corporation, Punjab,
Sector-17/B, Chandigarh.

First Appeal Authority,
O/o Punjab Small Industries & Export Corporation, Punjab,
Sector-17/B, Chandigarh.

....Respondents

Complaint Case No.248 of 2024

Present: (i) None is present on behalf of the complainant.
(ii) Sh. Kawal Preet Singh, Deputy Manager, on behalf of the respondent PIO.

ORDER:

1. The RTI application is dated 31.03.2024 vide which the Complainant has sought information as enumerated in her RTI application. The complaint was filed by the complainant in the Commission on 12.06.2024 under Section 18 of the Right to Information Act, 2005 (hereinafter called the RTI Act). Notice of hearing was issued to the parties for today i.e.18.06.2025 by the Commission.
2. The complainant is absent at today's hearing without intimation.
3. The respondent PIO, represented by Sh. Kawal Preet Singh, Deputy Manager, files a reply to the Commission's Notice of Hearing vide letter dated 18.06.2025 mentioning therein that desired information pertaining to point nos. 2 and 3 has already been provided to the complainant vide letter dated 04.06.2024 comprising 76 pages. He adds that after filling the first appeal, the remaining information pertaining to point no.1 has also been provided to the complainant on her husband's email [i.d. vkmittal.bti@gmail.com](mailto:vkmittal.bti@gmail.com). He further states that information as per RTI application has been provided to the complainant and nothing more is available on record which could be supplied to the complainant.
4. After having detailed deliberations with the respondent and perusing the file, it is ascertained that the complete information pertaining to the RTI application has been provided to the complainant. Neither the complainant is present at today's hearing nor has pointed out any deficiencies in the information provided, so far. It is pertinent to mention here the judgment of the Hon'ble Supreme Court of India in Civil Appeal No.10787-10788 of 2011 titled Chief Information Commission & another vs. State of Manipur and another has held in its order on 12.12.2011:-

Contd...p-2

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Complaint Case No.248 of 2024

(31). We uphold the said contention and do not find any error in the impugned judgment of the 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.

5. In the light of above ruling, the complainant is at liberty to file a second appeal with the Punjab State Information Commission to seek the information under Section 19(3) of the RTI Act, if she is not satisfied with the order of the Public Information Officer and First Appellate Authority, if she so desires. In view of the aforementioned observations, the case is **disposed of and closed**. Copies of the order be sent to the parties.

Dated: 18th June, 2025

Sd/-
(Pooja Gupta)
State Information Commissioner
Punjab

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Sh. Jagit Singh, (M: 9463371313)
5399, Mohalla Teliyan Wala,
Bathinda-151001.

....Complainant

V/s

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

....Respondents

Complaint Case No.250 of 2024

Present: (i) Sh. Jagjit Singh, the complainant.
(ii) None is present on behalf of the respondent PIO.

ORDER:

1. The RTI application is dated 23.12.2023 vide which the Complainant has sought information as enumerated in his RTI application. The complaint was filed by the complainant in the Commission on 11.06.2024 under Section 18 of the Right to Information Act, 2005 (hereinafter called the RTI Act). Notice of hearing was issued to the parties for today i.e. 18.06.2025 by the Commission.
2. The complainant states that he has received a letter dated 31.01.2024 from the respondent PIO vide which they have mentioned that all the information as sought by him is available on the official website of the department i.e. www.lgpunjab.com. He further adds that he accessed the website but no information was available on the website and requested that directions may be issued to the respondent PIO to provide the information, as most of the time had already been lapsed.
3. The respondent PIO is absent at today's hearing but has informed the Commission vide letter dated 13.06.2025 that reply in regard to the RTI application dated 23.12.2023 has already been given to the complainant on 31.01.2024 and nothing more is available on record which could be supplied to the complainant.
4. Post deliberations, 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 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:-

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Complaint Case No.250 of 2024

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. Sh.Jaspal Singh Brar, Joint Commissioner, Municipal Corporation, Bathinda**. 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.

Dated: 18th June, 2025

Sd/-
(Pooja Gupta)
State Information Commissioner
Punjab

Remanded Back (Regd. Post)

Sh. Jaspal Singh Brar,
First Appellate Authority-cum- Joint Commissioner,
Municipal Corporation, Bathinda.

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Sh. Harminder Arora, S/o Late Sh. Inderjeet,
1220/16, Near Patwa Khana Mahila,
Mohalla Sodhiana Da Moga, Moga.
(M: 9781336328)

....Complainant

V/s

Public Information Officer,
O/o Executive Officer,
Nagar Council, Bagha Purana,
District: Moga.

....Respondents

Complaint Case No.251 of 2024

Present:

- (i) None is present on behalf of the complainant
- (ii) Sh. Jagjit Singh, Inspector along with Sh. Kulwinder Singh, Clerk on behalf of the respondent PIO.

ORDER:

1. The RTI application is dated 06.04.2024 vide which the Complainant has sought information as enumerated in his RTI application. The complaint was filed by the complainant in the Commission on 13.06.2024 under Section 18 of the Right to Information Act, 2005 (hereinafter called the RTI Act). Notice of hearing was issued to the parties for today i.e. 18.06.2025 by the Commission.
2. The complainant is absent at today's hearing.
3. The respondent PIO, represented by Sh. Jagjit Singh, Inspector along with Sh. Kulwinder Singh, Clerk, state that complete record pertaining to the RTI application has already been supplied to the complainant vide letter dated 29.05.2024 by registered post. They further add that they have brought another copy of the same today in the Commission for the perusal of the Bench.
4. After going through the information, the complainant was contacted on phone and on the asking of the Bench, the complainant shows his dissatisfaction over the same. He requested that directions may be issued to the respondent PIO to provide the correct information.
5. Post deliberations, 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 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:-

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Complaint Case No.251 of 2024

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. Smt. Charumita, PCS, Additional Deputy Commissioner (General), Moga**. 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. She 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.

Dated: 18th June, 2025

Sd/-
(Pooja Gupta)
State Information Commissioner
Punjab

Remanded Back (Regd. Post)

Smt. Charumita, PCS
First Appellate Authority-cum- Additional Deputy Commissioner (G),
O/o Deputy Commissioner, Moga.



Sh. Harminder Arora, S/o Late Sh. Inderjeet,
1220/16, Near Patwa Khana Mahila,
Mohalla Sodhiana Da Moga,
Moga. (M: 9781336328)

....Complainant

V/s

Public Information Officer,
O/o Block Development and Panchayat Officer,
Moga.

....Respondents

Complaint Case No.252 of 2024

Present:

- (i) None is present on behalf of the complainant.
- (ii) Sh. Rajveer Jass, Clerk along with Sh. Arashdeep Singh, Tax Collector, on behalf of the respondent PIO.

ORDER:

1. The RTI application is dated 10.04.2024 vide which the Complainant has sought information as enumerated in his RTI application. The complaint was filed by the complainant in the Commission on 13.06.2024 under Section 18 of the Right to Information Act, 2005 (hereinafter called the RTI Act). Notice of hearing was issued to the parties for today i.e. 18.06.2025 by the Commission.
2. The complainant is absent at today's hearing.
3. The respondent PIO, represented by Sh. Rajveer Jass, Clerk along with Sh. Arashdeep Singh, Tax Collector, state that they have brought the information today in the Commission to deliver it personally to the complainant but the complainant is absent.
4. After going through the information, the complainant was contacted on phone and on the asking of the Bench, he stated that nothing has been provided to him by the respondent PIO and requested that directions may be issued to the respondent PIO to provide the information, as most of the time had already been lapsed.
5. Post deliberations, 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 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:-

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PUNJAB STATE INFORMATION COMMISSION
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Sector 16, Chandigarh.
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Complaint Case No.252 of 2024

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. District Development and Panchayat Officer, Moga**. 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.

Dated: 18th June, 2025

Sd/-
(Pooja Gupta)
State Information Commissioner
Punjab

Remanded Back (Regd. Post)

District Development and Panchayat Officer (By Name)
First Appellate Authority, Moga.

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