

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, NEAR ROSE GARDEN,

SECTOR 16, CHANDIGARH.

Ph: 0172-2864115, Email: - psic26@punjabmail.gov.in

Visit us: - www.infocommpunjab.com



Shri Kulwant Singh,
S/o Shri Dayal Singh,
R/o Village Nasire Wala,
Tehsil Dharamkot, District Moga

....Complainant

VERSUS

Public Information Officer,
O/o Block Development and Panchayat Officer,
Kot Ise Khan, Tehsil Dharamkot, District Moga.

.....Respondents

COMPLAINT CASE NO. 0037 OF 2025

PRESENT: Shri Kulwant Singh, Appellant.
Shri Kuldeep Kumar, APO, MGNAREGA (7347410034) along with Shri Jaswinder Singh, Panchayat Secretary (9463434264) on behalf of the Respondents.

ORDER:

That the appellant had sought information as enumerated in his RTI application dated 11.09.2024 and Complaint was filed in the Commission on 07.02.2025 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act). Accordingly, notice of hearing was issued to the parties for today i.e. 28.08.2025.

2. That the complainant stated before the Bench that no information has been provided, whereas the respondent submitted that the appellant has not sought specific information..

3. That post deliberation, 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 Vs. 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."*

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-02-

COMPLAINT CASE NO. 0037 OF 2025

As such, 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.

4. That 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.

5. That 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.

6. That in case, the complainant is not satisfied with the decision and/or he does not receive the order of the First Appellate Authority, he is at liberty to file second appeal before Punjab State Information Commission Section 19(3) of the RTI Act, 2005.

7. In view of the above, **the case is disposed of and closed.**

Sd/-

(HARPREET SINGH SANDHU)

State Information Commissioner, Punjab

28.08.2025

Copy of above is forwarded to the following

(Regd. Post):

The First Appellate Authority – cum –
District Development and Panchayat Officer,
Moga.

for information and necessary compliance. RTI application dated 27.08.2024 is enclosed.

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Shri Gurwinder Singh, (9876330777)

Reporter

R/o HIG-669/B, Phase 11,

Mohali-160062

....Appellant

VERSUS

Public Information Officer,

O/o Municipal Corporation,

S.A.S. Nagar (Mohali)

Smt. Poonam Sharma (9872827888)

Deemed PIO – cum – Superintendent

O/o Advertisement Branch,

Municipal Corporation, S.A.S. Nagar (Mohali).

Shri Anil (9780483884)

Deemed PIO – cum – Superintendent

O/o Encroachment Branch,

Municipal Corporation, S.A.S. Nagar (Mohali).

First Appellate Authority,

O/o Commissioner,

Municipal Corporation, S.A.S. Nagar (Mohali)

.....Respondents

APPEAL CASE NO. 6264 OF 2023

PRESENT: Shri Gurwinder Singh, on behalf of the Appellant.
None on behalf of the Respondents.

ORDER:

This order refers to the Bench's previous order dated 08.07.2025.

2. That both parties remained absent during the hearing. However, the Bench has received a letter from the PIO vide diary no. 13943 dated 27.08.2025, wherein it has been stated that the appellant was called to the respondent's office on 11.08.2023, 13.08.2023, and again on 20.08.2023, and on 20.08.2023 the appellant stated that he had received the requisite information to his satisfaction and consented for closure of the case. A copy of the said reply is placed on record.

3. That it is pertinent to note that the appellant has remained absent during the hearing, despite the order dated 08.07.2025 having been duly served upon him via registered post. In these circumstances, and in the absence of any contest from the appellant, it is presumed that he is satisfied with the information furnished by the PIO and does not wish to pursue the matter any further.

4. That in view of the above, the Bench finds no ground for further intervention in the matter. Hence the Appeal Case is hereby **disposed of and closed**.

Sd/-

(HARPREET SINGH SANDHU)

State Information Commissioner, Punjab

28.08.2025