



**Jammu and Kashmir State Information Commission**  
(Constituted under The Right to Information Act, 2009)  
**Wazarat Road, near DC Office Jammu, 0191-2520947, 2520937**  
**Old Assembly Complex, Srinagar, 0194-2506660, 2506661**  
[www.jksic.nic.in](http://www.jksic.nic.in)

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File No. SIC/K/SA/34/2015  
Decision No. SIC/K/SA/34/2015/58

**Appeal in the case of:**

Title: Arif Rashid Khan v/s Secretary LAWWDA.

**Srinagar**  
**05.08.2015**

This is a Second Appeal received in the Commission on 17.04.2015 from Shri Arif Rashid Khan r/o Old Gagribal Road, Srinagar against PIO LAWWDA stating that he filed an RTI application on 20.01.2015 seeking information regarding sealing order issued by LAWWDA vide letter No. LDA/06/4700-01 dated 15.01.2015, but PIO LAWWDA failed to give the information in the stipulated period under the Act. That he filed appeal to First Appellate Authority (FAA), but despite first appeal respondent failed to give the information till stipulated period. The appellant has requested the Commission to take action why they have not provided the information regarding the sealing order by LDA Srinagar till date.

During proceedings in the Commission on 20.05.2015, after hearing parties, following directions were issued: -

*“Mr. Gh. Rasool Wani Collector LAWDA submitted that he has recently been given charge of Secretary LAWDA, who is designated PIO. The Secretary/PIO sought 10 days time to dispose of the RTI application/file counter reply, which is granted.*

*The letter of Secretary dated 15.01.2015 enclosed with RTI application is addressed to Enforcement Officer and information sought is regarding action taken thereon. Registry shall cause appearance of Enforcement Officer also on next date of hearing”.*

During proceedings on 14.7.2015, PIO filed statement of facts before the Commission dated 11.7.2015 stating that copy of letter of Enforcement Officer dated 20.6.2015 along with copy of FIR has been provided to the applicant on 10.7.2015 in addition to information already furnished on 19.5.2015. The appellant submitted that he has received information from PIO LAWDA vide letter dated 10.07.2015 alongwith enclosures. However, copy of the statement filed by PIO was not marked to the appellant and accordingly, PIO was directed to provide a copy of the statement of facts to the appellant for his objections.

During proceedings in the Commission on 5.8.2015, representative of PIO produced letter dated 21.7.2015 under which copy of statement has been sent to appellant. Notice of the Commission dated 16.7.2015 has been served to the appellant through Registered Post on 21.7.2015 asking him to file objections and also appear in the Commission on 5.8.2015. However, the appellant did not appear at the time of hearing. Also, the Commission ascertained from the records and found that he has not filed any objections to

the statement of facts of the PIO sent to him on 21.7.2015. Since information sought has also been provided and acknowledged by the PIO on 10.7.2015, the only issue was, if the appellant had any objections with regard to information provided and the statement of facts submitted thereafter. Since appellant has neither filed objections nor appeared before the Commission, it is held that information asked for has been provided and appeal is disposed of.

As per statement of PIO, RTI has been received on 20.1.2015 but not responded within prescribed period under the Act. In view of above, PIO LAWWDA is directed to explain as to why penalty proceedings shall not be initiated against him for delay in disposing of the RTI application. His explanation, if any, should reach the Commission, within two weeks of receipt of this order.

With the above directions the appeal filed before the Commission is disposed of.

**Sd/-**  
**(Nazir Ahmed)**  
**State Information Commissioner**

Copy to the: -

1. Secretary J&K Lakes & Water Ways Development Authority, Srinagar.
2. Shri Arif Rashid Khan r/o Old Gagribal Road, Srinagar.

(G.Q. Bhat)  
Registrar,  
State Information Commission