



Jammu and Kashmir State Information Commission
(Constituted under Right to Information Act 2009)
Old Assembly Complex, Srinagar, Fax No. 0194-2484269, 2484262
Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937
www.jksic.nic.in

File No: SIC/J/A/105/2015
Decision SIC/J/A/105/2015/168

Sh. B.R. Nandan & other	Appellant	Present
Sh. Raman Uppal Executive Engineer Local Bodies, Division-II, Jammu	Public Information Officer	Present
Sh. Ashok Kumar Law Officer On behalf of FAA		Present
Chief Executive Officer Municipal Council Kathua		Absent

Jammu

27.08.2015

Briefly the facts in this appeal are that Sh. B.R. Nandan, S/o. Sh. Kesar Ram and Sh. Kamlesh Khajuria S/o. Sh. Om Dutt, R/o. Ward No. I, College Road, Near Union Bank of India, Kathua moved an application dated: 12.05.2015 before the Director, Urban Local Bodies, Jammu under the Jammu & Kashmir Right to Information Act, 2009 whereunder they sought the following information:

1. Provide the copies of:-
 - (i) Technically sanctioned and duly approved site plan (of the lane), from the competent authority before the year 1982.
 - (ii) From the date of approval of that key/site plan immediately preceding and immediate succeeding N.I.T. with names of the contractor/Agency, in detail, to whom allocated the tenders alongwith their Registration No. and date, Renewal (date) of Registration, if any and the term of the validity of their registration.
 - (iii) Copy of latest N.I.T. in details as required in para (b) above.
 - (iv) Copies of MB's in all the three N.I.T. referred/mentioned above.

- (v) Copies of sanctions/approvals from the competent authority, in case the N.I.T. is waived off, in each case.
2. Length and Breadth of the lane as per approved key plan i.e. New House /Shops of Sh. Tarsem Chand, Ex-ward member (starting point of the lane from College Road) to his old house, for which the N.I.T. called for, please provide the copy.
3. Provide copy of mode of payment whether by cheque or cash or partially cash and partially by cheque or any other mode exercised by the authorities.

The PIO in the office of Director, Urban Local Bodies, Jammu vide communication No. DULBJ/2015/728-29 dated: 18.05.2015 forwarded the application of the applicants to the Executive Engineer/PIO, Local Bodies Division-II, Jammu for providing the requisite information directly to the applicants under Section 6 of the Jammu and Kashmir Right to Information Act, 2009 under an intimation to the office of First Appellate Authority.

The Executive Engineer/PIO, Local Bodies Div-II, Jammu vide communication No. LB/Tech/J-II/2015/528-30 dated: 20.06.2015 furnished the reply to the applicants with a copy of the same to the office of First Appellate for information. The applicants had filed an appeal dated: 15.06.2015 before the Director, Urban Local Bodies, Jammu on the ground that they have not received the information. The office of the Director Urban Local Bodies Jammu vide notice dated: 14.07.2015 asked the applicants as well as the Executive Engineer/PIO, Local Bodies Jammu Division-II to be present on 16.07.2015 at 11:00 a.m. in order to dispose of the appeal. The appeal was disposed of vide endorsement No. DULBJ/2015/9152-54 dated: 16.07.2015 with the direction to the Executive Engineer (PIO) Local Bodies Division-II, Jammu to provide the information as sought by the applicants within a period of 10 days from the date of receipt of the order under an intimation to the office of the Director, Urban Local Bodies, Jammu. The Executive Engineer (PIO), Local Bodies Div-II, Jammu vide letter No. LB/Tech/J-II/2015/839-41 dated: 05.08.2015 furnished the reply to the applicants. The PIO/Executive Engineer, Local Bodies Division-II, Jammu's communication to the applicants revealed that since the information sought by the applicants is prior to 1982 and the said records are not available with the divisional office and expressed his inability to furnish the requisite information sought by the information seeker as per the RTI application. The appellants feeling aggrieved of the aforesaid order of the PIO as well as of the FAA filed 2nd appeal before the Commission which was listed for hearing on 17.08.2015 and 27.08.2015.

During the course of proceedings held today, it was brought to the notice of the Commission that the information sought by the information seekers pertain to the office of Chief Executive Officer, Municipal Council, Kathua. The PIO/Executive Engineer, Local Bodies Division-II, Jammu and Sh. Ashok Kumar, Law Officer who appeared on behalf of First Appellate Authority/Director, Urban Local Bodies, Jammu assured the Commission that they will transfer the application of the information seekers to Chief

Executive Officer, Municipal Council, Kathua today itself for disposal. The appellant also brought to the notice of the Commission that he has already filed an application before the Chief Executive Officer, Municipal Council, Kathua seeking the aforesaid information.

In view of the aforesaid facts and submissions made by the parties, the PIO/Executive Engineer, Local Bodies Division-II, Jammu and FAA/Director, Urban Local Bodies, Jammu are hereby directed to transfer the application of the information seekers to Chief Executive Officer, Municipal Council, Kathua for disposal. The Chief Executive Officer, Municipal Council, Kathua is hereby directed to dispose of the RTI application of the information seekers and provide them information, free of cost, as per office record within 10 days from the date of receipt of this order under an intimation to the Commission.

The appeal is accordingly disposed of.

Notice of this decision be given free of cost to the parties.

Sd/-

Dr. S.K. Sharma

State Information Commissioner

Copy to the:

1. Public Information Officer/Sh. Raman Uppal, Executive Engineer, Local Bodies, Division-II, Jammu.
2. Sh. Ashok Kumar, Law Officer, Directorate of Urban Local Bodies, Jammu.
3. Chief Executive Officer, Municipal Council, Kathua.
4. Appellant/Sh. B.R. Nandan, S/o. Sh. Kesar Ram and Sh. Kamlesh Khajuria, S/o. Sh. Om Dutt, R/o. Ward No. I, College Road, Near Union Bank of India, Kathua

(Khalid. A. Shah)

Dy. Registrar

State Information Commission