



**Jammu and Kashmir State Information Commission**  
(Constituted under Right to Information Act 2009)  
Old Assembly Complex, Srinagar, Fax No. 0194- 2506660, 2506661  
Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520927, 2520937, 250947-F  
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File No: SIC/J/C/9/2015  
Decision SIC/J/C/9/2015/280

**Sh. Chanchal Yogi.**

**... (Complainant)**

V/s

**PIO: Asstt. Commissioner(R),Samba.**

**... (Respondent)**

Date of Institution : 27.10.2015  
Date of Decision : 05.04.2016  
Decision : Complaint disposed of.

Mr. Sonu Pargal, Asstt. Commissioner(R), Samba and appellant Mr. Chanchal Yogi attended the Commission.

**Brief facts:**

Complainant Sh. Chanchal Yogi filed a complaint under Section 15, J&K RTI Act, 2009 against PIO/Asstt. Commissioner(R),Samba, inter-alia submitting that on 20.03.2015, he filed application under Section 6 of J&K RTI Act,2009 before PIO,AC(R),Samba as per application enclosed. That respondents were required to provide requisite information within a statutory period of 30 days i.e. by or before 19.04.2015, but respondents have failed to

do so. That till date no information has been provided to the complainant inspite of lapse of more than 281 days.

In view of above submissions, appellant prayed that penalty under Section 17 of the Act,2009 be imposed on PIO for causing unreasonable, deliberate and intentional delay in providing information and also direct respondents to pay compensation.

During the course of proceedings in the Commission on 02.02.2016, PIO was directed to file reply/counter statement to the complaint supported with documentary evidence within 10 days with a copy to complainant Sh. Chanchal Yogi. Complainant was also directed to file objections, if any, within 10 days of receipt of reply/counter statement from PIO.

In compliance to directions of the Commission referred hereinabove, Sh. Sonu Pargal, PIO has filed reply/counter statement on 19.02.2016, with copy to complainant, inter-alia, submitting that vide letter dated:01.04.2015, he had disposed of the request for information made by information seeker vide his application dated:23.03.2015. It is further submitted that since information sought was bulky and voluminous, therefore, undersigned (PIO) dispatched the said information through courier service namely "Fast Track Couriers". He has further submitted that authorized agent of "Fast Track Courier" has stated that although courier service tried to deliver the consignment No.1870 dated: 03.04.2015, in favour of information seeker, but the said person was not present at home. PIO has concluded that he has taken all possible steps to provide information to information seeker on his stated address as per the mandate of J&K RTI Act, 2009.

During proceedings in the Commission, PIO produced copy of relevant dispatch register under which letter dated: 01.04.2015, addressed to complainant Sh. Chanchal Yogi on the subject "reply to RTI Information Act, 2009", has been dispatched under dispatch No.594. He also produced copy of receipt of "Fast Track Courier" Service showing PIO/Asstt. Commissioner,

Samba as "shipper" and consignee Sh. Chanchal Yogi, S/o. Jaimal Singh, R/o. Smailpur, Tehsil: Bari Brahmana, District: Samba.

From evidence brought before the Commission referred hereinabove, Commission is satisfied that PIO has sent information through prescribed mode of service and has disposed of RTI application within the statutory period prescribed under the Act. It is also evident that consignment of information has not been delivered to complainant as per the submissions made by the courier service.

In view of above, there are no grounds under RTI Act, 2009 to take action against the PIO. PIO produced a copy of information duly attested by him, which is provided to complainant at the conclusion of the proceedings.

In view of above, complaint filed before the Commission is disposed of.

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

Copy to the:

1. PIO-cum-Asstt.Commissionr(R), Samba.
2. Complainant:Sh.Chanchal Yogi,S/o.Late Sh.Jaimal Singh, R/O Village Smailpur,Tehsil and District Jammu.

(Renu Mahajan)  
Joint Registrar,  
J&K State Information Commission