



**Jammu and Kashmir State Information Commission**  
(Constituted under Right to Information Act 2009)  
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File No: SIC/J/A/267/2016  
Decision SIC/J/A/267/2016/302

**Sh. Ajay Kumar**  
**V/s**

**.... (Appellant)**

**FAA/PIO, Jammu Development Authority (JDA). .... (Respondents)**

Date of Institution : 23.02.2016  
Date of Decision : 27.04.2016  
Decision : Appeal disposed of.

1. Dr. Ravi Kumar Bharti, Secretary, JDA-cum-PIO attended the Commission. Appellant didn't appear before the Commission during hearing on 18.04.2016, and also today i.e. 27.04.2016, although notices for hearing were sent to him through prescribed mode of service.

2. **Brief facts:** Appellant filed second appeal under section 16(4) of J&K RTI Act, 2009 on 23.02.2016 (admitted after fulfilling deficiency on 10.03.2016), against FAA/PIO, Jammu Development Authority, Jammu (JDA), stating that he filed RTI application on 10.10.2015, before PIO, Housing & Urban Development Department, Civil Sectt., Srinagar, seeking information pertaining to allotment of Plots at Dodi Gujjar Colony, Sunjawan (Narwal-Kunjwani, National Highway), Jammu. That PIO, JDA, Jammu vide office letters dated: 14.01.2015 and 27.11.2015, has furnished some of requisite information. That appellant filed first appeal before FAA/V.C., JDA, Jammu on 14.12.2016. That on 12.01.2016, FAA directed PIO to provide information to appellant. That PIO sent some incomplete information by Post, in respect of Points: A, B, C and D of his RTI application. That FAA disposed of first appeal in absence of appellant presuming that he is satisfied with the information provided by PIO.

It is submitted that information provided by PIO, JDA, Jammu is incomplete in respect of the following:

- (i) In response to point-B, allotment orders are not fully legible.
- (ii) In response to point-C, copy of terms & conditions of allotment has not be provided.
- (iii) In response to point-D, PIO has enclosed list, however, copies of orders/other documents in respect of present occupants is not provided.

It is alleged that department is deliberately not providing the requisite information at S.No. C & D to hide the irregularities made in allotting/ transferring these plots as well as well as allotments/transfer presently being made by department. That the department is custodian of said colony land and has responsibility to maintain its record. As such, an appeal is hereby submitted for further action in the matter.

3. In view of the above, appellant has prayed that PIO/FAA be directed to provide complete information as per application dated: 10.10.2015.

4. In compliance to notice of the Commission dated: 15.03.2016, PIO submitted reply/counterstatement, stating inter-alia that appellant vide application dated:10.10.2015, requested PIO for information under the provisions of RTI Act, 2009. That PIO/JDA vide letters dated 14.11.2015 and 27.11.2015 provided requisite information to the appellant. That after receiving first appeal, FAA fixed date of hearing on 12.01.2016. That after hearing both: PIO as well as appellant, PIO was directed to provide legible copies of the list of original allottees vide Govt. Order No.332-UD of 1978 dated:29.06.1978 and also make efforts to provide copy of order or documents related to query "D" if the same is available and fixed next date of hearing on 18.01.2016. That on that date appellant did not attend hearing. That FAA vide order dated 20.01.2016 disposed of appeal with observation that absence of the appellant on the date of hearing shows that he is satisfied with information, which has already been provided by the PIO.

5. The Appeal was listed for hearing through Video Conferencing on 18.04.2016, and respondents & appellant were informed to attend at Jammu office of the Commission vide notice dated: 11.04.2016. However, appellant didn't appear for hearing.

6. After hearing of respondents through Video Conferencing on 18.04.2016, following directions were conveyed vide notice dated: 20.04.2016, and case was listed on 27.04.2016, at 10.30 a.m.

(I) PIO was directed to send copy of the reply dated: 19.03.2016, to the appellant through prescribed mode of service and appellant shall file objections, if any, before 27<sup>th</sup> of April, 2016.

(II) Registry to list the case for hearing on 28.04.2016. The FAA is exempted from hearing on next dates.

7. During the course of proceedings held today, appellant neither appeared nor he has filed objections as asked for as per directions of the Commission referred to at para-7 above. PIO submitted that in compliance to directions of the Commission passed on 18.04.2016, a copy of reply to 2<sup>nd</sup> Appeal dated: 19.03.2016 with enclosures, have been sent to Mr. Ajay Kumar at his address under letter dated: 18.04.2016, through process server i.e. orderly of the department and the same was received by the spouse of appellant on 20.04.2016, as per receipt obtained on the office copy of said letter. PIO further submitted that he has not received any objections from the appellant.

8. Appellant has filed appeal on the ground of incomplete information in respect of points B, C & D. The Commission has observed that these issues have already been addressed by FAA in his order dated: 12.01.2016, with directions to PIO to provide legible copies and also provide reply to query/information to part-D of the information. These directions have been complied with by the Secretary/PIO, JDA, Jammu vide letter dated: 15.01.2016, addressed to appellant as under:

a) The legible copies/pages of the list of original allottees vide Govt. order No. 332-UD of 1978 dated: 29.06.1978, are hereby enclosed.

- b) The copies of the order/documents in respect of present occupants are not available in the record.
- c) The detail terms & conditions on which the above plots were allotted is also not available in the record.

09. It is, therefore, evident that information in respect of point-B, i.e. legible copies have been provided. However, in respect of information at points-C & D, PIO has submitted that these are not available on record.

10. As per definition of information, PIO is required to provide the information as is held by him or under the control of public authority. Accordingly, PIO is directed to file an affidavit before the Commission with regard to non-availability of records mentioned at para (b) & (c) of his letter dated: 15.01.2016. These directions be complied within 02 weeks.

11. The Appeal is disposed of with above directions.

Sd/-

**(Er. Nazir Ahmed)**

**State Information Commissioner**

Date: .04.2016

No: SIC/J/A/267/2016

Copy to:

1. FAA/Sh. Mubarak Singh, KAS, Vice Chairman, JDA, Jammu.
2. PIO/Sh. Ravi Kumar Bharti, Secretary, JDA, Jammu for compliance.
3. Appellant/Sh. Ajay Kumar, R/o. 38/3, Greater Kailash, Jammu.

**(Renu Mahajan)**

Joint Registrar

J&K State Information Commission

(P.A. Ajay)