



Jammu and Kashmir State Information Commission
(Constituted under Right to Information Act 2009)
Old Assembly Complex, Srinagar, Fax No. 0194-2520937, 2484262
Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520927, 2520937
www.jksic.nic.in

File No: SIC/J/A/98/2015
Decision SIC/J/A/98/2015/303
.... (Complainant)

Sh. Khurshid Ahmad Shah

V/s

FAA/PIO, Elect. M & RE, Division-III, Jammu.

.... (Respondents)

Date of Institution : 18.08.2015
Date of Decision : 29.04.2016
Decision : Complaint disposed of.

Sh. Sanjay Sharma, Executive Engineer, EM&RE, Div. III, Jammu-cum-PIO, Sh. J.P. Singh, AEE, Sub-Division-I, Canal and Complainant attended the Commission.

Sh. Khurshid Ahmed Shah has filed complaint under section 15 of RTI Act, stating that on the directions of State Information Commission, PIO has furnished information to him vide letter dated: 06.03.2015, which has actually been sent on 06.08.2015, after the directions of J&K State Information Commission and received by him on 08.08.2015. It is alleged that information is misleading, as the information prior to 03/2011 has not been furnished stating "records not available". The complainant has given an abstract of information after 03/2011 giving details of payments made and opening/closing balance from 03/2011 to 01/2015. The complaint has been filed on the ground that record before 03/2011, has not been provided to him.

On the basis of documents enclosed with the complaint, complainant has submitted that information be provided and penalty be imposed on PIO under section 17 of the Act.

The complaint was heard on 10.02.2016. Since the complainant didn't appear, respondent Executive Engineer-cum-PIO was directed to file counter reply to the complaint within 02 weeks with copy to the complaint alongwith enclosures.

During proceedings today, Executive Engineer, EM & RE, Div.III, Jammu submitted that in compliance to directions of the Commission, appellant was informed vide letter dated: 11.02.2016, that complete information stands provided to the complainant. However, as per directions of the Commission, Executive Engineer has enclosed another set of information comprising of 23 leaves. This information has been sent through registered post. Further, he has again informed complainant vide letter dated: 26.02.2016, that balance on 11/2006 was "nil" against the installation No. BL/A/89 & ID No.27357. He has further informed that record after 11/2006 already stands provided. Executive Engineer submitted that the information sent through registered post earlier was returned undelivered and, therefore, information was again sent to him. Complainant submitted that he didn't receive the information. Therefore, the set of information brought by the respondents was examined by the appellant in the presence of respondents and it was found that the information sought with regard to installation No. BL/A/89 & ID No.27357 from 11/2006 onwards has been provided. The appellant submitted that some entries with regard to payment made by him have not been reflected, for which some receipts of payments are available with him. Since this is an issue of reconciliation of accounts between the consumer and department, both the parties were advised to settle the issue on the basis of documentary evidence produced by complainant.

Further, Executive Engineer is directed to explain as to why efforts were not made to trace the records after 11/2006 which was earlier denied stating

“records not available”. His explanation should reach the Commission within 02 weeks.

Complaint filed before the Commission is accordingly disposed of.

Sd/-

(Er. Nazir Ahmed)

State Information Commissioner

Date: .04.2016

No: SIC/J/A/98/2015

Copy to:

1. PIO/Sh. Sanjay Sharma, Executive Engineer, EM&RE, Div.III, Jammu for compliance.
2. Sh. J.P. Singh, AEE, Sub-Division-I, Canal.
3. Complainant/Sh. Khurshid Ahmad Shah, Secretary (BOPEE), Bhagat-i-Barzulla Srinagar.

(Renu Mahajan)

Joint Registrar

J&K State Information Commission

(P.A. Ajay)