



**Jammu and Kashmir State Information Commission**

شہن شہنکم یثانفارم ی راسٹہ ی نڈکشہم ی جمونا

(Constituted under The Right to Information Act, 2009)

**Wazarat Road, near DC Office Jammu, 0191-2520947, 2520937**

**Old Assembly Complex, Srinagar, 0194-2506660, 2506661**

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File No. SIC/J/A/294/2016

Decision No. SIC/J/A/294/2016/305

Appellant : Mr. Sham Sharma

Respondents : Executive Engineer, Trans. Line  
Maintt. Division 2<sup>nd</sup>, Jammu.

Date of Registration : 24.03.2016

Date of Decision : 02.05.2016

The appellant filed Second Appeal on 24.03.2016 stating that he filed an application under J&K RTI Act, 2009 before PIO TLML Division 2<sup>nd</sup> on 29.12.2015 and after expiry of 45 days he filed First Appeal on 09.02.2016. That on 10.02.2016 he got intimation to deposit Rs. 5000/- for additional charges which were too much. That he visited PIO on next day to justify the charge, but he could not. That PIO posted merely outline & partial response. The appellant has filed Second Appeal on following grounds: -

(1) *“As per queries No. 1 PIO of TLMD has not given the name of the firm, address & amount for which items (material) the supply executed from the suppliers for which I emphasized. Please ask for same in short period.*

*(2) As per queries No. 2 PIO clearly indicated in his self-contradicting statement about the 67 items for which he didn't provide detail the name of 67 items in point No. 1 of NIT published in single insertion of State Times on 09.05.2012 when 9 parties participated in the tender process.*

*(A) No comparative statement has been given to the applicant please ask for same.*

*(B) No indication of successor party has been given. Please ask for same.*

*(C) Only single party had executed the whole supply of Rs. 27,47,774/- throughout the year, how it could be possible. Please ask for same.*

The appellant has requested the Commission to allow him to physically checkup or pick up the record through his camera.

In response to the notice of the Commission, Executive Engineer, Transmission Line Maintenance Division II, Giadni Jammu vide reply dated 30.04.2016 submitted that he received application from Sh. Sham Sharma (Editor) on 29.12.2015, under which the applicant sought information in detail regarding expenditure incurred on account of purchase and procurement of material by his division during the Financial Year 2012-13. As the information sought under S. No. (i) & (v) of the application was voluminous in nature and involved stationary, he was requested to deposit Rs. 5,000/- as stationary and printing charges, as prescribed under the RTI Act, 2009 vide office letter dated 24.01.2016. After an interval of time, applicant was once again requested vide letter dated 18.02.2016 to deposit the said amount but he did not do so. On 19.02.2016, his office again received a letter from him wherein he requested

for uploading of the whole record of year 2012-13 through USB/Pen Drive and as the mode of compiling information is tedious, time consuming and involves expenditure, he was once again requested to deposit the amount i.e. Rs. 5,000/- as stationary and printing charges to enable his office to provide him the information at the earliest. However, a reply to majority of queries raised by him have been furnished and only those queries are pending where detailed information is to be prepared and which involves stationary. PIO has further submitted his office does not have any malafide intention to withhold any information desired by the applicant and the information has been delayed only due to non-payment of charges by the applicant. He has further submitted that in respect of 2<sup>nd</sup> Appeal filed by the applicant, a copy of the comparative statement and particulars of the lowest successful bidders is being furnished to him alongwith a copy of the reply as directed by the Commission.

Mr. Kuldeep, Assistant Engineer/APIO attended the Commission at Jammu office for hearing through Video Conferencing, as PIO has undergone heart surgery and has sought exemption from personal hearing. The appellant did not attend the hearing although notice was sent to him for hearing through Video Conference at Jammu Office. Respondent APIO submitted that reply/counter statement to the Second Appeal has been filed vide letter dated 30.04.2016 and copy of the same has been sent to the appellant through Registered Post today on 02.05.2016. PIO also submitted that RTI application dated 29.12.2015 has been responded to vide letter dated 24.01.2016 asking appellant to deposit an amount of Rs. 5000 as copying charges. However, this letter has been sent through Registered Post on 10.02.2016 i.e. after expiry of period prescribed under the Act.

In his counter statement dated 30.04.2016 to the Second Appeal, PIO has interlia submitted that copy of the comparative statement and particulars of the lowest successful bidders has been furnished to the appellant alongwith a copy of the reply through Registered Post on 02.05.2016. As such information with regard to Query-2 of the Second Appeal has therefore been provided. Regarding the details of suppliers & supply executed at para-1 of Appeal, PIO is directed to allow appellant examination of relevant records. An intimation regarding date of inspection be sent to appellant at least one week in advance.

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

**Sd/-**

**(Er. Nazir Ahmed)**

**State Information Commissioner**

Date: .05.2016

No: SIC/J/A/294/2016

Copy to:

1. FAA/Superintending Engineer, Transmission Line, Maintenance Div. II, Gladni, Jammu.
2. PIO/Sh. Nagesh Gupta, Executive Engineer, Transmission Line, Maintenance Div. II, Gladni, Jammu for compliance.
3. APIO/Sh. Kuldeep Uppal, Assistant Engineer, O/o. Executive Engineer, Maintenance Div. II, Gladni, Jammu.
4. Private Secretary to Hon'ble State Information Commissioner (K), J&K State Information Commission for information.
5. Appellant/Sh. Sham Sharma (Editor), R/o. 12/1, Trikuta Nagar, Jammu.

**(Renu Mahajan)**

Joint Registrar

J&K State Information Commission