



Jammu and Kashmir State Information Commission
(Constituted under The Right to Information Act, 2009)
Wazarat Road, near DC Office Jammu, 0191-2520947, 2520937
Old Assembly Complex, Srinagar, 0194-2506660, 2506661
www.jksic.nic.in

File No. SIC/K/SA/46/2016
Decision No. SIC/K/SA/46/2016/26

Appellant : Sh. Ab. Rashid Shigan S/o Mohammad
Sultan Shigam R/o HMT Umar Abad
Sector-2 Shahi Hamdan Lane, Srinagar

Respondent : Secretary/PIO SMC Srinagar

Date of Registration : 12.04.2016

Date of Decision : 12.05.2016

Brief facts of the case are that appellant has filed Second Appeal on 12.04.2016 under RTI Act, 2009 stating therein that he submitted an RTI application before PIO Srinagar Municipal Corporation on 04.12.2015, but PIO did not provided him the information. That later on, he has submitted First Appeal before FAA Srinagar Municipal Corporation on 16.02.2016 received under receipt No. 1051, but unfortunately till 07.04.2016 no information has been provided to him. The appellant has requested the Commission to take necessary action against Srinagar Municipal Corporation and direct him to provide him the information.

As per records enclosed, the appellant has submitted an application dated 04.12.2015 reportedly received in the office of PIO SMC on 07.12.2015 for seeking information regarding transfer of funds to UEED SWD II and City drainage Circle. Thereafter, the appellant has filed First Appeal before FAA on 16.02.2016 alleging therein that despite lapse of two months the PIO has not responded his RTI application.

In reply/counter statement filed by Mr. Hilal Ahamd Dewani PIO SMC Srinagar dated 30.04.2016, it is submitted that RTI application of the information seeker was not accompanied with requisite fee as envisaged under the relevant provisions of RTI rules by way of cash against proper receipt. As such his request has not been considered under RTI Act, 2009.

During proceedings in the Commission, PIO produced copy of application which is accompanied with Treasury Fee of Rs. 10/- . Although the Commission has ruled earlier that fee received in treasury is also acceptable or cash against receipt. However, PIO submitted that SMC is a Corporation and they maintain account in J&K Bank and all payments shall have to be deposited in cash in chest of Corporation or through other means as per RTI Rule, 2012.

In view of the above, the applicant is advised to deposit fee in the prescribed format as per communication of PIO dated 30.04.2016. PIO shall provide information expeditiously as per provisions of the Act.

The appeal is accordingly disposed of.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. Secretary SMC Srinagar
2. Pvt. Secy to HSIC (K)
3. Sh. Ab. Rashid Shigan S/o Mohammad Sultan Shigam R/o HMT
Umar Abad Sector-2 Shahi Hamdan Lane, Srinagar

(G.Q.Bhat)
Registrar,
J&K State Information Commission