



Jammu and Kashmir State Information Commission

شٹی کی کمیشن انفارم ٹی اسٹ ری کشم نڈی ا جموں

(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/J/A/05/2016

Decision No. SIC/J/A/05/2016/325

Appellant : Mr. Guneet Sharma
Respondents : JMC Jammu.
Date of Registration : 20.04.2016
Date of Decision : 26.05.2016

Brief facts of the case are that appellant filed Second Appeal on 10.03.2016 (admitted after completion of deficiencies on 20.04.2016) stating that in response to his application dated 23.11.2015, he received a reply from PIO on 23.12.2015 enclosing reply from Chief Enforcement Officer-II and Senior Town Planner. As reply regarding Point (I) was incomplete, regarding Point Nos. (II) & (III) file notings was not provided and reply to Point (V) was misleading/incorrect, he filed First Appeal on 28.12.2015. The FAA after hearing the matter passed an order on 05.02.2016 and directed Chief Enforcement Officer-II and PIO to provide information within 10 days of passing order. However, a misleading single page not related to the RTI application is posted by CEO-II.

The appellant has prayed that information free of cost be provided and penalty to CEO-II (deemed PIO) may be imposed.

As per records, appellant has filed RTIO application dated 23.11.2015 addressed to PIO Jammu Municipal Corporation seeking

information on 5 points primarily regarding illegal construction and action thereof by JMC Jammu.

This RTI application has been responded to by Mr. Rajesh Gupta, Chief Enforcement Officer (Zone II), JMC Jammu vide letter 15.12.2015, responding to all the 5 queries of the RTI application.

Subsequently First Appeal filed before FAA JMC Jammu has been decided by FAA/Commissioner JMC Jammu vide order dated 05.02.2016 as under: -

“Whereas, the record has been examined and it is found that reply has already been furnished to the applicant vide this office letter NO. JMC/S/RTI/1514 dated 19.12.2015, but the same is incomplete in following respects:

<i>Information asked</i>	<i>Remarks</i>
<i>Regarding Para 1 & 21</i>	<i>File nothings not provided.</i>
<i>Regarding Para 3</i>	<i>Incomplete reply</i>
<i>Regarding Para 5</i>	<i>Incomplete reply</i>

Now, in view of above this appeal is disposed of with the directions to the Chief Enforcement Officer JMC to take all necessary steps & provide all file notings serially numbered & certified”

Mr. Ranjit Singh PIO JMC, Mr. Rajesh Gupta CEO-II of JMC Jammu and appellant Mr. Guneet Sharma heard via Video Conferencing.

CEO submitted that in compliance to the directions of the FAA, file notings have been provided to the appellant. The appellant admitted receipt of file notings. Appellant further submitted that information in respect of Point-1, copy of notice dated 23.09.2015 under Section 7(3) of the J&K State Control of Building Operation Act, 1988 has been provided

to him but copies of notices prior to passing of this have not been provided. PIO submitted that notice has issued on 14.09.2015 and copy is available with him. Accordingly, PIO is directed to provide copy of the same to the appellant after conclusion of the hearing. The appellant further submitted that reply given to Point-5 is not relevant regarding next authority over Chief Enforcement Officer for filing of complaint. PIO JMC submitted that Joint Municipal Commissioner/Commissioner Municipal Corporation, Jammu are the authorities for redressal of complaints. The submission of the PIO is taken on record and he is directed to communicate to the appellant next authority for redressal of complaints over Chief Enforcement Officer.

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

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the: -

1. Commissioner Jammu Municipal Corporation, Jammu.
2. Joint Commissioner Jammu Municipal Corporation, Jammu.
3. PIO Jammu Municipal Corporation, Jammu.
4. Pvt. Secretary to Hon'ble State Information Commissioner, Srinagar.
5. Mr. Guneet Sharma r/o House No. 7, Shakti Nagar, Jammu.

(G.Q. Bhat)
Registrar,
State Information Commission