



**J&K State Information Commission
Wazarat Road, Near D.C. Office, Jammu /
Old Assembly Complex, Srinagar.**

File No. SIC/K/SA/79/2016
Decision No. No. SIC/K/SA/79/2016/68

Complainant: Mr. Shahid Latief
Respondent : PIO O/o Dy. Commissioner Srinagar
Date of Institution: 28.07-2016
Date of Decision: 03.11.2016

Brief facts of the case are that the appellant filed Second appeal in the Commission on 28.07.2016 on the ground that in reply to his application dated 22.03.2016 PIO vide letter dated 25.04.2016 provided him part information without attestation. Thereafter, he filed First Appeal on 06.05.2016, which was fixed for hearing on 24.05.2016, but till date neither he received any order from FAA nor balance information has been provided to him. The appellant has requested the Commission to direct concerned to provide him the complete information and pass any further order/directions that Commission may deem fit and proper under facts and circumstances.

As per records, the appellant has filed an application before ACR/PIO O/o Deputy Commissioner Srinagar on 22.03.2016 for seeking information on 7 points regarding building permission cases. PIO has responded the RTI

application vide letter dated 25.04.2016. Not satisfied with the response of PIO, appellant filed First appeal before FAA/ADC Srinagar on 06.05.2016.

In response to the notice of Commission, PIO has filed reply/Counter statement dated 26.09.2016 interalia submitting that the appellant has received information in respect of S No. 01 pertaining to the persons figuring at B, C, D in his RTI application, however information in respect of A has not been given. He has also submitted that I/C SQ Section expressed that in case of person indicating at "A" full particulars have not been given by the information seeker, therefore the information regarding person at "A" cannot be provided until and unless full particulars are given.

During proceedings in the Commission on 28.09.2016 appellant was given an opportunity to file objections/rejoinder to reply/counter statements of PIO/FAA within 10 days with copy to FAA and PIO.

In compliance to directions of the Commission, appellant filed objections/rejoinder on 05.10.2016 with copy to FAA/PIO.

Mr. Hamidullah Mir PIO/ACR Srinagar and authorized representative of appellant Shri Imtiyaz Shah attended the hearing today on 03.11.2016.

Regarding information sought at S No. 1(A) the appellant in his objections and also the representative of appellant submitted that Survey No. and location in respect of B, C & D is same as that at Point 1(a).

Therefore, this information could also be located on the basis of Survey No. and location already given. PIO/ACR submitted that building permission cases are processed by the Revenue Department as and when received and do not maintain record on the basis of Survey No./location. However, the Commission upholds the plea of the appellant and directs PIO to provide response to the appellant as per records. In case if such information at Point 1(A) is not available on records, then appellant is informed accordingly.

Reading of information sought at Poin-4, 5 and 6, reveals that a letter dated 01.12.2015 has been issued related to the case of Afroza W/o Shahid Latief. The appellant has sought copies of similar letter issued to other persons isted at Para-1 issued to other persons. PIO submitted that this letter has been issued by DC's Office to Tehsildar. Accordingly, PIO/ACR is directed to provide copy of similar information in respect of other persons mentioned at S No.1 as per records. This disposes of Points 4, 5, & 6 of appeal. Regarding Point-7, PIO vide letter dated 25.04.2016 has informed that Building permission case of Shahid Latief is under process. PIO submitted that on the date of filing of RTI application, the information has been provided, which is accepted.

As regards explanation of non-appearance on 28.09.2016, PIO/ACR has filed explanation on 25.10.2016 citing law and order situation and engagement with Hon'ble Chief Minister. This being a reasonable cause, his explanation is accepted.

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

(Er. Nazir Ahmad)
State Information Commissioner

Sd/-
(Er. Nazir Ahmad)
State Information Commissioner

No. SIC/K/SA/79/2016/

Dated: -11-2016

Copy to the:-

1. PIO O/o D C Office Srinagar
2. Pvt. Secretary to HSIC.
3. Sh. Shahid Lateed S/o Haroon Rashid R/o Buchpora Srinagar
4. Guard File.

(M. S. Bhat)
Dy. Registrar,
J&K, State Information Commission

