



Jammu and Kashmir State Information Commission

شنیشن کمیٹی انفارمیری اسٹیٹنڈ کشمیری جموں ا

(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/CO/SA/429/2017

Decision No. SIC/CO/SA/429/2017/954

Appellant : Dr. Rehmat Ullah

Respondent : First Appellate Authority (FAA)/
Public Information Officer (PIO),
P.H.E. and I&FC Department, Civil Secretariat,
Srinagar.

Date of Decision : 09.05.2017

Brief Facts:

The appellant has come to the State Information Commission in 2nd appeal on the ground that he as the resident of J&K had filed RTI application dated: 28.03.2016 with the PIO/Executive Director, CCDU Department of PHE/I&FC Department, J&K State seeking information on 07 points relating to documents of the successful bidders (NGOs) regarding selection of project implementing agencies in department of CCDU, PHE and I&FC Department. The PIO, according to the appellant, didn't provide him the requisite information. As such he filed First Appeal with the First Appellate Authority on 26.04.2016 which too was not disposed of by the FAA. Thereafter, the appellant filed 2nd appeal which was received in the Commission on 29.11.2016 alongwith the application for

condonation of delay in filing 2nd appeal within the prescribed time limit under section 16 (4) of the J&K RTI Act, 2009.

The Commission after considering the reasons submitted by the appellant condoned the delay.

Proceedings:

The case for the first time was listed before the Commission on 08.03.2017 which was attended by the FAA and Executive Director, CCDU, Department of PHE and I&FC. The appellant also attended the hearing. The parties were heard at length and an interim order was passed as under:

“ The PIO is directed to provide all such information permitted under the RTI Act, 2009 sought by the appellant in his original RTI application, which is also part of the information sought by the CCDU from the desirous NGO’s at paras (6) and (8) of their Expression of Interest (EOI). However, such of the information sought for from out of paras (6) and (8) of the EOI which falls under exemptions under Section 8 of the RTI Act, 2009 may not be provided. Information pertaining to PAN number, TAN number and such like organizational information pertaining to payment of Income Tax etc. may also not be provided as this appears to be not givable being confidential in nature involving Taxes and Tax Laws.”

The case was again listed for hearing on 09.05.2017 which was attended by Sh. Mohd. Issaq Khan, Additional Secretary, PHE and I&FC Department on behalf of FAA and Superintending Engineer/PIO of the department. The appellant didn’t cause his appearance despite the notice served upon him in advance. The respondents submitted that they may be given some more time for compliance of the Commission’s earlier directions.

Decision:

The Commission reiterates its earlier order dated: 08.03.2017 and directs the PIO to take necessary steps for compliance of the said order within 21 days from the date of receipt of this order, under an intimation to the Commission. The complainant is at liberty to seek remedy under the RTI Act in the event of any non-compliance of the Commissions's order referred to above.

With these directions this 2nd appeal is disposed of.

Sd/-

(Khurshid A. Ganai) IAS Retd.
Chief Information Commissioner
J&K State Information Commission

Dated: .05.2017

No: SIC/CO/SA/429/2017_____

Copy to:

1. FAA, P.H.E. and I&FC Department, Civil Secretariat, Srinagar.
2. PIO/Executive Director, CCDU Department of PHE/I&FC Department, J&K State.
3. Appellant/Dr. Rehmat Ullah, R/o. B.C. 354, Residency Road, Jammu.
4. Office file.

(Skeikh Fayaz Ahmad)
Registrar
J&K State Information Commission