



Jammu and Kashmir State Information Commission

شنیشن کمیٹی انفارمیری اسٹیٹسٹ کشمیر 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/447/2017

Decision No. SIC/CO/SA/447/2017/966

Final Order

- Appellant : Ms. Shashi Bala
- Respondent : First Appellate Authority (FAA)/
Deputy Commissioner Commercial Taxes,
(Appeals-1st), Jammu and
Public Information Officer (PIO)/
I/C Commercial Taxes Officer, Commercial
Taxes Circle 'A', Jammu.
- Date of Registration : 17.02.2017
- Date of Decision : 14.06.2017

Brief Facts:

The appellant Ms. Shashi Bala, President, Bharav Kali Mandir, R/o. Lane No. 4, Dream City Muthi, Jammu-181205, filed 2nd appeal under section 16 (4) of the J&K Right to Information Act, 2009 before this Commission on 17.02.2017 stating therein that she had filed an application before the PIO, O/o. Department of Commercial Taxes, Excise & Taxation Complex, Rail Head Complex, Jammu for knowing the status of her

complaint under RTI Act on 27.10.2016. That aggrieved by non- furnishing of the requisite information, she filed First Appeal on 05.12.2016 before the FAA, Excise and Taxation Department but the FAA too didn't provide the information sought for. That both the FAA and PIO didn't provide the information even after a lapse of 04 months.

As per record available on file, the PIO O/o. Commissioner Commercial Taxes, J&K Government, Jammu Sh. Hari Dutt Changotra forwarded the RTI application of the information seeker to Accounts Officer, O/o. Additional Commissioner Commercial Taxes Administration, Jammu vide No. RTI-IX-Adm/1345/CCT dated: 17.11.2016 under section 6 (3) of J&K RTI Act, 2009 for providing the information to the applicant directly under the relevant provisions of the Act. Sh. Dewakar Sharma, PIO O/o. Additional Commissioner Commercial Taxes (Administration) Jammu filed reply dated: 09.03.2017 interalia submitting that information requested for has been provided by Commercial Taxes Officer, Circle-A, Jammu vide No. CTO/A/2360-61 dated: 08.03.2017.

Proceedings:

The first hearing in this appeal was conducted on 24.03.2017 and was adjourned with the directions to the PIO and the FAA of the Excise and Taxation Department as well as the Appellant to be present in person on the next date of hearing to be listed on 10th April by the Registry.

In compliance to notice of the Commission dated: 22.03.2017 Sh. Ashish Kumar Gupta, KAS Deputy Commissioner, Commercial Taxes

(Appeals-1)/FAA, Commercial Taxes Department has filed reply dated: 29.03.2017 interalia submitting that the application for filing of First Appeal by the Appellant was received by him on 09.03.2017 and accordingly proceedings have been initiated for disposal of the appeal, as per extant provisions within stipulated time. Further, on 10.04.2017, FAA submitted another reply interalia submitting that in contemplation to hear both the sides, dates of hearing were fixed on 03.04.2017 and 10.04.2017. That the appellant did not appear on both the dates. PIO, Commercial Taxes Officer, Circle-A appeared on both the dates alongwith relevant documents.

The case was again listed in the Commission on 14.06.2017. The authorized representative of the appellant Sh. Sandeep Sharma attended the hearing whereas no one from the respondents were present. The representative of the appellant filed a rejoinder dated: 14.06.2017 submitting therein that the information provided till date is wrong and only half.

Directions/Decision:

From the available records and submissions made, it appears that the first appeal could not be disposed of due to non-attendance of the appellant. It also appears that the appellant did not want to participate in the first appeal proceedings. But the facility of first appeal is provided in the J&K RTI Act, 2009 to help the RTI applicant in obtaining the information from within the Public Authority so that he/she does not have to come to the State Information Commission in 2nd appeal. But unfortunately, the applicant chose to come to the State Information

Commission in 2nd appeal. Be that as it may the FAA i.e. Deputy Commissioner Commercial Taxes, (Appeals-1st), Jammu is directed to give an opportunity of being heard to the appellant and dispose of the request for information within 30 days from the date of receipt of this order and report compliance .

The appeal is accordingly disposed of.

Copy of this decision be given free of cost to the parties.

Sd/-

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

No: SIC/CO/SA/447/2017/_____

Dated: .06.2017

Copy to:

1. FAA/Deputy Commissioner Commercial Taxes, (Appeals-1st) Jammu for information and necessary action.
2. PIO/I/C Commercial Taxes Officer, Commercial Taxes Circle 'A', Jammu for information and necessary action.
3. PS to HCIC for information.
4. Appellant/Ms. Shashi Bala, President, Bharav Kali Mandir, Lane No. 4, Dream City Muthi Jammu-181205.
5. Office file.

(Sheikh Fayaz Ahmed)
Registrar
J&K State Information Commission