



**Jammu and Kashmir State Information Commission**

شنیشن کمیٹی انفارمیری اسٹیٹسٹ 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**

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File No. SIC/K/SA/09/2017

Decision No. No. SIC/K/SA/09/2017/ **15**

Appellant : Mr. Imtiyaz Ahmad Fashoo

Respondent : First Appellate Authority (FAA)/Public Information Officer (PIO) Srinagar Municipal Corporation

Date of Registration : 28.02.2017

Date of Decision : 19.06.2017

**Brief Facts:**

Brief facts of the 2<sup>nd</sup> appeal are that the appellant Sri Imtiyaz Ahamd Fashoo filed 2<sup>nd</sup> appeal before the Commission on 01.02.2017 against FAA/PIO SMC. The appellant has alleged that PIO SMC has failed to respond to his RTI application filed before him on 05.11.2016. Later on he filed First Appeal before FAA on 19.12.2016, but the SMC authorities did not bother to provide the requisite information. On perusal of the 2<sup>nd</sup> appeal it was found that prayer of the appellant was not in accordance with the provisions of the Act. Accordingly, the appellant filed fresh 2<sup>nd</sup>

appeal on 28.02.2017 requesting the Commission to collect the requisite information from SMC and provide the same to him.

As per records of the case, the appellant filed an application under J&K RTI Act, 2009 before PIO SMC on 05.11.2016 for seeking information details related to building permission No. 1084 of 2015 dated 12.01.2015 and 829 issued in favour of Nazir Ahamd Jet under flood damage on existing position. Thereafter, against inaction of PIO, the appellant filed First Appeal before FAA/Commissioner SMC on 19.12.2016. Against the non-action of FAA and PIO, the appellant filed instant 2<sup>nd</sup> Appeal before the Commission.

### **Proceedings:**

In response to notice of the Commission, Shri Hilal Ahmad Dewani PIO filed reply/counter statement dated 15.03.2017. In his reply, PIO has submitted that for disposal of the RTI application under consideration, assistance was sought from Divisional Town Planner (Right) and Chief Enforcement Officer Ward No. 21 under Section 5(4) of J&K RTI Act. The response received from aforesaid officials stands provided to the appellant vide letter dated 21.01.2017. The 2<sup>nd</sup> appeal was initially listed for hearing before the Commission on 03.04.2017; however, on the request of PIO, the hearing was adjourned. The appeal was again listed for hearing on 12.05.2017. Shri Hilal Ahamd Dewani, Secretary/PIO Srinagar Municipal Corporation (SMC), Shri Mudasir Hussain Banday, APIO SMC and appellant Shri Imtiyaz Ahmad Fashoo attended the hearing. The hearing was adjourned with the following interim directions:

1. *PIO SMC is directed to provide the information sought by the appellant including the copy of the Government Order governing exemption of charges to building permissions issued for reconstruction/restoration of flood damaged houses to the appellant within two weeks.*
2. *The PIO shall also respond to the appellant's request for information regarding building permission fees charged or not charged for the additional storey reportedly constructed by the damaged house owner Shri Nazir Ahmad jet of Urdu Bazar.*

In compliance to aforementioned directions of the Commission, PIO vide letter dated 27.05.2017 has provided point wise response to queries of the applicant.

**Directions:**

*The information, which the appellant had sought related to the deviation, which was regularized without proper justification. Moreover, after having the deviation allegedly regularized, the SMC have not charged any building fee in view of order of SMC dated 08.10.2014. The appellant has also alleged that construction of 3<sup>d</sup> storey/roof was also allowed without charging any fees, which action is not covered under the Court Order in question pertaining to reconstruction of flood damaged structures.*

*The PIO SMC is directed to allow the appellant to have inspection of all the records in case he desires for the same and also provide the available balance information in terms of his original application.*

**Sd/-**  
**(Khurshid A. Ganai)** IAS Retd  
Chief Information Commissioner

**Copy to:**

1. Secretary/PIO SMC Srinagar
2. Pvt Secy to HCIC J&K Srinagar
3. Appellant-Sh Imtiyaz Ahmad Fashoo S/o Late Abdul Rehman Fashoo R/o Urdu Bazar Fateh Kadal Srinagar
4. Office file

**(Sheikh Fayaz Ahmad)**  
Registrar  
J&K State Information Commission