



**Jammu and Kashmir State Information Commission**

(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](http://www.jksic.nic.in)

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File No. SIC/K/Comp/02/2017

Decision No. SIC/K/Comp/02/2017/**32**

Complainant : Mr Mushtaq Ahmad Wani

Respondent : Public Information Officer (PIO)/Executive Engineer Power Development Department, (PDD) Division-2<sup>nd</sup> Rajbagh, Srinagar

Date of Decision : 21.08.2017

**Brief Facts:**

The brief facts of this complaint are that Shri Mushtaq Ahmad Wani R/o Lane No.3 Bye Pass Batamallo Mir Abad near Hamdard Hospital filed a complaint before the Commission on 16.01.2017 against PIO/Executive Engineer, Power Development Department, Division 2<sup>nd</sup>, Rajbagh, Srinagar. The complainant has alleged that he filed an RTI application in the office of the PIO PDD Division 2<sup>nd</sup>, Raj Bagh on 21.11.2016 but the same officer did not provide the requisite information within the stipulated period which is a violation of rules/guidelines of the RTI Act, 2009. The complainant has requested the commission to look into

the matter and PIO PDD Division 2<sup>nd</sup> may be fined as per the rules of the RTI Act, 2009 for denial of information.

As per records on the file, the information seeker had filed an application under the J&K RTI Act, 2009 before PIO/Executive Engineer, Power Development Department, Division 2<sup>nd</sup>, Rajbagh, Srinagar viz-a-vis name of consumer, consumer ID, Load agreement, date on which the load agreement was revised from Jan 2014 besides the name of the official who inspected the load of each consumer of all the consumers of Lane No. 3 Mir Abad, Bye Pass, Batamaloo (near Hamdard Hospital) Srinagar. The complainant has filed the instant complaint against non-response/inaction of the PIO.

### **Proceedings before the Commission**

The Commission vide notice dated 21.01.2017 served seven days notice to the PIO/Executive Engineer, Power Development Department, Division 2<sup>nd</sup>, Rajbagh, Srinagar where under the PIO was directed to file counter statement to the Commission through prescribed mode of service besides furnish the information to the complainant.

The PIO vide letter dated 24.01.2017 addressed to the complainant informed the complainant of the information received from the AEE, Sub Division Hazuribagh vide his letter No.HZB/305 dated 24.01.2017 and its dispatch to the said complainant with intimation to the Commission.

In response to the notice of the Commission dated 07.08.2017 the instant complaint was listed for hearing today on 21.08.2017. Mr Bashir Ahmad, AEE, Electric Sub-Division, Hazuribagh, Srinagar attended the Commission on behalf of the PIO/Executive Engineer, Power Development Division 2nd Rajbagh Srinagar. The complainant, Shri Mushtaq Ahmad Wani also attended the hearing.

**Decision:**

During the hearing, the complainant accepted to have received the information from the PIO. The AEE, on behalf of the PIO, however, could not justify as to why there was delay in providing the information to the RTI applicant within the stipulated time.

Since delay in providing information invites action under Section-17 of the J&K RTI Act, 2009, as such, PIO/Executive Engineer, Power Development Department, Division 2<sup>nd</sup>, Rajbagh, Srinagar is directed to explain as to why penalty proceedings under the provisions of Section-17 of the J&K RTI Act, 2009 may not be initiated against him for the delay in providing the information to the RTI applicant beyond the stipulated time period as provided under Section 7(1) of the J&K RTI Act, 2009. His explanation, if any, should reach the Commission within 15 days from the date of receipt of this order.

Accordingly, registry is directed to issue notice to the PIO/Executive Engineer, Power Development Department, Division 2<sup>nd</sup>,

Rajbagh, Srinagar for hearing under penalty proceedings as per Section 17 of the J&K RTI, Act 2009.

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

*(S. Sajad Ahmad)*

**Copy to the:**

1. PPIO/Executive Engineer, Power Development Department, Division 2<sup>nd</sup>, Rajbagh, Srinagar
2. AEE, Electric Sub-Division 2<sup>nd</sup> Hazuri Bagh Srinagar
3. Complainant- Shri Mushtaq Ahmad Wani R/o Lane No.3, Mir Abad Byet Passs Batmaloo, near Hamdard hospital Srinagar.
4. Office file

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