



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/J/A/25/2017

Decision No. SIC/J/A/25/2017/38

Final Order
(Second Appeal)

Appellant : Sh. Vinod Kumar

Respondents : First Appellate Authority (FAA)/
Public Information Officer (PIO),
O/o Jammu Municipal Corporation (JMC),
Town Hall, Jammu

Date of Registration : 29.05.2017

Date of Decision : 07.09.2017

Brief Facts:

The appellant Sh. Vinod Kumar, S/o. Late Sh. Krishan Chander, R/o. H.No. 35, Malhotra Street, Jammu while exercising his right to information filed RTI application with PIO, JMC, Jammu on 06.03.2017 seeking following information:

- 1/ *Whether the building permission case submitted by me vide receipt No. 1562-65/B/S/16 in the name of Vinod Kumar has been rejected by B.O.C.A.*

2/ *If the said case has been rejected, kindly provide me a copy of order whereby the Building Permission (BP) has been so rejected.*

Aggrieved by the non-receipt of information from the office of PIO, he filed First Appeal on 10.04.2017 with the FAA/Commissioner, JMC, Jammu. At last, he approached the State Information Commission (SIC) by filing 2nd appeal against the above mentioned respondents.

Proceedings:

This 2nd appeal was filed in the SIC on 29.05.2017 but owing to the need for providing adequate hearing to both the parties, the time period for disposal was accordingly extended by another 60 days upto to a maximum of 120 days from the date of filing of the appeal in terms of section 16(11) of the J&K RTI Act, 2009.

In compliance to the notice of the Commission Sh. R.K. Tutoo, Senior Town Planner, JMC-cum-PIO attended the hearing. The counsel for the respondent Sh. Vilakshana Singh also attended.

The counsel for the respondent submitted that the PIO has given contradictory reply to the RTI application. The PIO submitted that the building permission case of the appellant was placed before the BOCA Committee and the same has been rejected by the said Committee. However, the formal order is yet to be issued in this regard.

Decision/Directions:

In view of the submissions of the PIO and the statements of the counsel for the appellant, PIO/Sh. R.K. Tutoo, Senior Town Planner, JMC, Jammu is directed to issue the rejection order as per the laid down procedure and norms and convey the same to the appellant/applicant concerned under intimation to the Commission .

The PIO is also directed to show cause, why penalty proceedings may not be initiated against him under section 17(2) of the Act for giving contradictory reply to the appellant. His reply, alongwith relevant proof, should reach the Commission within 30 days from the date of receipt of this order.

With these directions the second appeal is 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/J/A/25/2017_____

Dated: .09.2017

Copy to:

1. Registrar, J&KSIC for information and necessary action.
2. FAA/Commissioner, Jammu Municipal Corporation, Town Hall, Jammu for information.

3. PIO/Sh. R.K. Tutoo, Senior Town Planner, Jammu Municipal Corporation, Town Hall, Jammu for information and necessary action.
4. Private Secretary to HCIC for information of the HCIC.
5. Appellant/Sh. Vinod Kumar, S/o. Late Sh. Krishna Chander, R/o. H.No. 35, Malhotra Street, Jammu.
6. Office file.

(Dr. Ghulam Mohi Ud Din)
Joint Registrar
J&K State Information Commission