



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

File No. SIC/J/A/38/2017
Decision No. SIC/J/A/38/2017/40

Appellant : Sh. Guneet Sharma

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

Date of Registration : 06.06.2017

Date of Decision : 25.09.2017

Brief Facts:

The appellant Shri Guneet Sharma filed the 2nd appeal before the State Information Commission (SIC) on 06.06.2017 stating that he filed the RTI application on 06.02.2017 seeking certain information from the PIO of Jammu Municipal Corporation. The PIO/Enforcement Officer, JM vide No.JMC/CEO/226-27 dated 04.03.2017 has provided the reply to the appellant received on 15.03.2017. Not satisfied with the reply of the PIO regarding point (i) (iii) (iv) and (v), the appellant preferred the First Appeal before the FAA of the JMC on 03.04.2017. The FAA disposed of the First Appeal vide No.MJ/Estt/312-16 dated 18.04.2017 with direction to the Building Section and Khilafwarzi Section/Chief Enforcement Officer (CEO) to ensure that pending information be

provided within seven days but the concerned sections did not comply with the order of the FAA. The appellant has as such approached the SIC to direct the respondents to provide free of cost information as demanded and impose penalty for not providing information within the stipulated time as provided under the J&K RTI Act, 2009.

In compliance to the notice of the Commission dated 26.07.2017, Shri Rajesh Gupta, Chief Enforcement Officer (CEO), JMC cum PIO attended the hearing on 04.08.2017 and stated that he has replied to the RTI application earlier by providing the requisite information. However, after the orders of the FAA, the PIO again provided revised set of information vide letter dated 28.07.2017 and submitted the copy of the same for perusal of the Commission.

The 2nd appeal came up for hearing on 04.08.2017. Sh. Rajesh Gupta, CEO, JMC cum PIO attended the hearing. The FAA and the appellant did not attend. The following interim directions were issued:

“Since the appellant did not appear for today’s hearing, the hearing is adjourned with directions to the PIO to file counter statement to the 2nd appeal with copy to the appellant within 07 days from the date of receipt of this order”

The 2nd appeal was again heard today on 25.09.2017 through video conferencing from Jammu Office of the Commission. Shri Rajesh Gupta, CEO cum PIO JMC and the appellant Shri Guneet Sharma attended the hearing. During the proceedings, the appellant alleged that full demolition has not taken place in respect of unauthorized construction mentioned at para-ii. The PIO submitted that it is difficult to remove material because of its huge quantity and that Jammu Municipality will try to remove the material as soon as possible.

As regards information at para (i) i.e., Building Plan, the appellant stated that he has still not received copy of the Building Plan although he has given the No. and date in his application. The PIO assured that he will obtain a copy of the Building Plan from the Building Section of the JMC and provide the same to the appellant.

The PIO also mentioned about other RTI's numbering 4-5 from the same applicant which are under process in the Jammu Municipality dealing with almost similar requests pertaining to unauthorized constructions in the area.

In this regard, the Commissioner JMC/FAA is directed to take cognizance of all the other RTIs mentioned by the PIO and issue necessary instructions for their disposal in terms of the provisions of the J&K RTI Act.

The 2nd appeal filed before the SIC is accordingly disposed of with the above directions.

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

Copy to the:-

1. FAA/ Jammu Municipal Corporation, Jammu
2. PIO/Chief Enforcement Officer, Jammu Municipal Corporation, Jammu
3. Appellant—Sh. Guneet Sharma Advocate, J&K High Court, Chamber, Ist Floor R/o H No.7 Street-2 Shakti Nagar, Jammu

(Reeta Koul)
Dy. Registrar,
J&K, State Information Commission