



Jammu and Kashmir State Information Commission

شہنیشن کمیٹی انفارمیری اسٹیٹ کنڈ 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

www.jksic.nic.in

File No. SIC/J/A/89/2017

Decision No. SIC/J/A/89/2017/50

Final Order

(Second Appeal)

Appellant : Sh. Harbans Choudhary

Respondents : First Appellate Authority (FAA)/
Superintending Engineer, EM&RE Circle-1, Jammu
and Public Information Officer (PIO)/Executive
Engineer, EM & RE Div. IInd, Gandhi Nagar, Jammu

Date of Registration : 29.08.2017

Date of Decision : 09.10.2017

Brief Facts:

The appellant Sh. Harbans Choudhary, R/o. Municipal Flat No. 2, Parade Jammu while exercising his right to information filed RTI application with the PIO, O/O Executive Engineer, Electrical Maintenance R&E, Sub-Division Shastri Nagar, Jammu on 22.11.2016 seeking information on 04 points as under:

1. *How many connections has been given from the installation no. NP/A 184.*
2. *Kindly provide the list of the consumers along with their sanctioned load and residential addresses.*

3. *Kindly provide the bill details of all the consumers under installation no 184-A for the months of July, September and October 2016.*
4. *Defaulter list of consumers those who have outstanding of more than Rs. 10,000/- under the above installation.*

This RTI application has been responded to by Er. Rajeev Kaul, Assistant Executive Engineer, EM & RE Sub. Div. IInd, Shastri Nagar, Jammu-cum-Assistant Public Information Officer (APIO) vide his letter dated: 08.12.2016.

Aggrieved by the response of the APIO, the appellant filed First Appeal on 08.01.2017 with the Chief Engineer, PDD, EM&RE Wing Jammu who forwarded the same vide his letter dated: 18.01.2017 to the Superintending Engineer, Electric M&RE Circle-1st, Jammu (designated FAA under the Act). The First Appellate Authority also did not provide the requisite information to him. At last, he approached the Commission by filing the 2nd appeal against the above mentioned respondents which was finally admitted in the Commission after completion of deficiencies on 29.08.2017.

Proceedings:

In compliance to the notice of the Commission dated: 04.10.2017, Sh. A.K. Sachdeva, Superintending Engineer, Elect. M&RE Circle-I, Jammu-cum-FAA, Sh. Rajeev Koul, Assistant Executive Engineer, EM & RE Sub. Div. IInd, Shastri Nagar, Jammu-cum-Assistant Public Information Officer (APIO) and the appellant attended the hearing.

During the hearing, the APIO informed the State Information Commission (SIC) that requisite information has already been provided to the appellant within the prescribed time period.

The appellant submitted that there is power theft in the area and there is no proper check on that, as such, in order to expose the nexus he wanted to have some more information from the department about the number of consumers.

The APIO objected to the demand of the appellant with the submission that as per the RTI application he has sought number of connections on installation No. NA/A 184 and the reply has been provided to him. He further submitted that fresh queries cannot be raised during the proceedings of 2nd appeal.

Decision:

The State Information Commission (SIC) after hearing the parties observes that although the APIO has replied to the RTI application within the stipulated time but as per the mandate of the Act, he was only to receive & forward the RTI application to the PIO concerned under section 5(3) of the J&K RTI Act, 2009 but does not have the mandate to provide the information which responsibility has been placed on the PIO himself/herself. The PIO is duty bound to provide the reply to the applicant under the J&K RTI Act, 2009.

As far as present grievance of the appellant is concerned, he is free to file a fresh RTI application before the PIO indicating specifically the information he is seeking.

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

Dated: . . .2017

No: SIC/J/A/89/2017

Copy to:

1. Registrar, J&KSIC for information and necessary action.

2. FAA/Superintending Engineer, EM&RE Circle-1, Jammu for information and necessary action.
3. PIO/Executive Engineer, EM&RE Div. IInd, Gandhi Nagar, Jammu for information and necessary action.
4. APIO/Assistant Executive Engineer, EM&RE, Sub-Division IInd, Shastri Nagar, Jammu for information and necessary action.
5. Private Secretary to HCIC for information of the HCIC.
6. Appellant/Sh. Harbans Choudhary, R/o. Municipal Flat No. 2, Parade Jammu.
7. Office file.

(Rita Koul)
Deputy Registrar
J&K State Information Commission