



**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/J/A/117/2017

Decision No. SIC/J/A/117/2017/**157**

**Final Order**

Appellant : Sh. Madan Lal

Respondents : First Appellate Authority (FAA), / Addl. Deputy Commissioner, Basohli, Public Information Officer (PIO)/Tehsildar Basohli

Date of Registration : 10.10.2017

Date of Decision : 09.02.2018

**Brief Facts:**

The brief facts of this 2<sup>nd</sup> appeal are that the appellant Sh. Madan Lal S/o Late Sh. Durga Chand R/o Basohli (A/P 51/3 Nanak Nagar, Jammu) filed the 2<sup>nd</sup> appeal before the State Information Commission (SIC) on 10.10.2017 stating therein that he had filed an RTI application dated 21.07.2017 before the PIO/ Addl. Deputy Commissioner, Basohli. That the Naib Tehsildar (Hqr) in the O/o Addl. Deputy Commissioner, Basohli replied to Paras( 2) to (9) of his RTI application vide letter dated 04.08.2017 and

for rest of information transferred the RTI application to Tehsildar, Basohli (APIO) on 21.07.2017. Thereafter, the Tehsildar Basohli vide letter dated 05.08.2017 furnished evasive, concealed, concocted and misleading reply through registered post which constrained the applicant to file the first appeal before the DC Kathua on 11.09.2017. That the FAA i.e. The DC Kathua also did not take cognizance of the appeal nor verified the facts as no reply has been received in the stipulated time. Accordingly, the RTI applicant filed the instant 2<sup>nd</sup> appeal before the SIC on 10.10.2017 with the request that penalty be imposed upon the PIO for knowingly giving incorrect, evasive and concocted information besides the FAA for not deciding the First Appeal with cogent reasons.

### **Proceedings before the State Information Commission**

The 2<sup>nd</sup> appeal came up for hearing for the first time on 04.12.2017. During the hearing the appellant submitted that complete information has not been provided to him by the PIO. However, the PIO filed the counter statement/reply during the proceedings, copy whereof was provided to the appellant with directions that the appellant may go through the reply/counter statement and file his rejoinder before the next date of hearing.

The appeal again came for hearing 2<sup>nd</sup> time on 08.01.2018. During the proceedings, the appellant submitted that he has been provided incomplete and misleading information by the PIO. In view of the submission of the appellant, the hearing in the 2<sup>nd</sup> appeal was adjourned with directions to the PIO/Tehsildar Basohli to go through the rejoinder submitted by the appellant during the proceeding and to provide the remaining information, if any, to the appellant.

The 2<sup>nd</sup> appeal again came up for hearing today on 09.02.2018. Mr. Sanjay Gupta, FAA/ADC, Basohli and Mr. Jai Singh, PIO/Tehsildar Basohli attended the hearing through video conferencing from NIC Kathua. The appellant did not attend despite advance notice issued to the parties including the appellant.

In terms of Section 16(11) of the J&K RTI Act,2009 the stipulated time limit for disposal of this 2<sup>nd</sup> appeal was also extended upto a maximum of 120 days from the date of filing to ensure adequate number of hearings for appropriate disposal.

During the proceedings, Mr. Sanjay Gupta, FAA/ADC, Basohli submitted that the requisite information as per directions issued on 08.01.2018 has been provided to the appellant.

### **Decision**

**Since the information, as stated by Mr. Sanjay Gupta, FAA/ADC, Basohli, has now been provided to the appellant, no further proceedings are required in the instant 2<sup>nd</sup> appeal in the absence of any rebuttal from the appellant accordingly the 2<sup>nd</sup> appeal filed before the SIC is disposed of as closed.**

The copy of Order be provided to the parties free of cost.

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

#### **Copy to the :-**

- 1. First Appellate Authority (FAA), / Addl. Deputy Commissioner, Basohli, Jammu for information and n/a.**
- 2. Public Information Officer (PIO)/ Tehsildar, Basohli, Jammu for information and n/a.**
- 3. Pvt.Secy. to HCIC for information of the HCIC.**
- 4. Sh.Madan Lal,S/O Lt.Sh.Durga Chand, R/O 51/3, Nanak Nagar, Jammu.**
- 5. Office Order file.**

( Sheikh Fayaz Ahmed)  
Registrar  
J&K State Information Commission