



## **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)

\*\*\*\*\*

File No. SIC/J/A/160/2017

Decision No. SIC/J/A/160/2017/**181**

### **Final Order:**

Appellant : Sh. Harcharan Singh, S/o Lt. S. Nanak Singh,  
R/o H.No-162, Sector-03, Trikuta Nagar, Jammu.

Respondent : FAA/PIO, Patnitop Development Authority.

Date of Registration : 24-11-2017.

Date of decision : **16-03-2018.**

Decision : Appeal disposed of.

### **Brief Facts:**

This appeal has arisen out of RTI application filed by Sh. Harcharan Singh on 07-09-2017 with PIO Patnitop Development Authority (PDA) seeking following information:

- 1. As per the Master Plan of Patnitop which areas fall under Green Buffer. Provide with full details along with Khasra No's.*
- 2. As per the Master Plan of Patnitop which Green Buffer areas falling in entire Patnitop have construction on them. Provide with the full details.*
- 3. Whether the construction done on Green Buffer areas in Patnitop is legal or illegal.*

In response to the RTI request the PIO provided reply to the applicant on 04-10-2017. However, the applicant was not satisfied with the information provided to him in respect of query no-2 of his RTI application by the PIO and filed 1<sup>st</sup> appeal with First Appellate Authority (FAA) on 12-10-2017. The said appeal was never disposed of by the FAA. The applicant filed 2<sup>nd</sup> appeal before State Information Commission (SIC).

**Proceedings/Decision:**

The instant 2<sup>nd</sup> appeal was listed for hearing before the State Information Commission on 04-01-2018. During the hearing the appellant contested the reply submitted by the PIO and also submitted that the reply did not reveal in query about total number of construction/structures erected on the green buffer area of Patnitop Development Authority. The Chief Executive Officer (CEO), PDA agreed to revisit the information furnished to the appellant and assured the SIC that he will collect the information and provide the same to the applicant before the next date of hearing. The appeal again came up for hearing before the SIC on 09-02-2018, the PIO provided the revised information in pursuance to the directions issued by the SIC on 04-01-2018 and handed over the same to the applicant during the course of hearing. However, the appellant contested the correctness of the information so far as the number of constructions/structures shown to have been existing by the PIO in the green buffer area. However, the PIO submitted that the information provided to the appellant during the hearing was based on the records furnished by the Revenue Department and the Khilaf Warzi Inspector of the PDA. The PIO further submitted that in case the appellant was not satisfied with the revised information provided to him, he is welcome to visit his office so that the matter is discussed and whatever information is left out could be provided to him. The case was accordingly adjourned and the appellant was directed to visit O/O the PIO, PDA and collect the pending information. The PIO was also directed to facilitate the visit of the appellant to his office and provide him all help in pointing

out the deficiencies in the information already supplied so that fresh information is provided by him.

The appeal was yet again listed for hearing before the SIC on 05-03-2018. On the said date, the PIO informed the SIC that the deficiencies in the information provided earlier have been pointed out by the appellant and revised/up-dated which could take two to three days and the same would be provided to the appellant by or before 12<sup>th</sup> of March'2018.

The appeal finally came up for hearing today on 16-03-2018. The representative of the PIO, PDA informed that in compliance to the order issued by the SIC and also in order to provide accurate information to the appellant, a committee of officers of the PDA was constituted on 24-02-2018 to go through the records available in the PDA and furnish a report so that correct and accurate information is provided to the appellant. The committee was also asked to enquire into the alleged submission of false information to SIC in this instant appeal and to fix the responsibility on the officers/officials involved. On the basis of the report of the committee, a revised information was provided to the appellant by the FAA vide communication dated 15-03-2018. The appellant acknowledged to have received the information on 15-03-2018 and expressed his satisfaction over the information so furnished by the respondents.

With the information having being provided to the appellant and after the satisfaction of the appellant over the information so provided, nothing further remains to be adjudicated by this Commission in this appeal.

The appeal is accordingly disposed of. However, before departing, the SIC would like to observe that the FAA has failed to discharge his duty and responsibility of deciding the 1<sup>st</sup> appeal within the period specified in sub-section (7) of section 16 of the J&K RTI Act. The FAA is therefore, advised to discharge his duties cast on him under the Act carefully in future. Had the 1<sup>st</sup> appeal been disposed of properly by the FAA, the appellant might perhaps not have felt the need to file this 2<sup>nd</sup> appeal before the State Information Commission.

**-sd-**

(Mohammad Ashraf Mir),

No. SIC/J/A/160/2017

Dated:        /        /2018.

Copy to the:

- 6 First Appellate Authority (FAA) Patnitop Development Authority, for information.
- 7 Public Information Officer (PIO), Patnitop Development Authority for information.
- 8 PS to SIC for information of HSIC.
- 9 Sh. Harcharan Singh, S/o Sh. S. Nanak Singh, R/o H.No-162, Sector-03, Trikuta Nagar, Jammu.
- 10 Guard file.

(Sheikh Fayaz Ahamd)  
Registrar,  
J&K State Information Commission.