



**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/242/2018

Decision No. SIC/J/A/170/2018/**257**

**Final Order:**

Appellant : Sh. Surinder Kumar, opp. H,No: 371,  
Sector-03, channi Himmat, Jammu.

Respondent : FAA/PIO, JMC.

Date of Registration : 08-03-2018

Date of decision : **25-06-2018.**

Decision : Appeal disposed of.

**Brief Facts:**

This appeal has arisen out of an RTI application filed by Sh. Surinder Kumar R/o Channi Himmat, Jammu on 11-12-2017 with PIO/Executive Engineer, Construction Division, JMC seeking following information:

- a) Please provide number of wards area out of ward Nos 1 to 71 which are under jurisdiction of Construction Division, JMC, Trikuta Complex Jammu and copy of the orders of the competent authority for assigning the job of construction/development in the said wards mentioning ward number under jurisdiction of Construction Division.

- b) Provide details of funds/amount date-wise received from Deputy Commissioner, Jammu with letter Nos and date, copies be provided by which grants have been provided under C.D.F grants on the recommendation of Hon'ble M.P, Rajya Sabha member, MLC, MLA from their Constitution Development Funds for execution of various works in the jurisdiction of Construction Division, Trikuta Division during the year 2016-17 and 2017-18 till date. Total budget received and expenditure made out of the said budget. Also provide information with present physical status of the work in the areas, location ward-wise which are under progress, amount utilized so far and the amount unutilized till date out of the said provision of funds for development of Jammu City.
- c) Provide detail of the total number of different works with exact location of the area of the ward carried out under CDF Grants received from Hon'ble M.P, Rajya Sabha member, MLC, MLA. Total funds date-wise received for development works executed by the Construction Division, JMC. Total number of work/total amount received and the total amount utilized and remained un-utilized during the year 2017-18.
- d) Provide photocopies of the tenders floated by the Construction Division during the year 2016-17 and 2017-18 alongwith allotment order with rate of each construction work and all other works.
- e) Provide detail of the total budget from all sources, all heads provided by the Government under plan work approved by the competent

authority/JMC/Housing & Urban Planning Department during the years 2016-17 and 2017-18, scheme-wise separately for plan and non-plan funds and the amount utilized out of the said funds for all works except CDF Funds.

- f) Provide procedure/process applicable for various works, location-wise, ward-wise executed under CDF Grants received from deputy Commissioner through concerned M.P, MLA, MLC etc. during the year 2016-17, 2017-18 with the information that the works are carried out departmentally without floating tenders or through tendering process. If the tendering process is applied, copies of the tenders with allotment orders for all the works executed out of CDF Funds be provided. If tendering process is not adopted, please provide copy of the approval of competent authority for each work, location-wise, ward-wise with amount utilized under CDF Funds without floating tenders during the above period till date, ward-wise, date-wise.
- g) Provide detail of the works which have been closed due to various disputes in Ward No-51, Porli Mohalla, Channi Himmat Village for construction of community hall and the amount of expenditure incurred right from the initial stage to the date of closure of the work and reason for stopping the work. And also provide authenticated information how much amount is incurred for construction of public bathroom in Ward No-50, Sector No-03, Site No-01 alongwith Shop No-10 and the reason be provided why the work is stopped. If there is any court order or any other directions from any higher authority,

copies of the same be provided. In case any objections have been filed by the JMC copies of the same be provided to the applicant.

- h) Provide copy of guidelines framed by the higher authority on the basis of which the CDF Funds are utilized. If not available, the procedure adopted by the Construction Division, JMC be provided.

As the information sought by the applicant was not provided to him within specified period the applicant filed 1<sup>st</sup> appeal with Commissioner, Municipal Corporation, Jammu on 13-01-2018. The 1<sup>st</sup> appeal was disposed of by the First Appellate Authority (FAA) on 03-02-2018 directing the PIO to provide available information to the applicant within a period of 07 days. The PIO was also directed to explain the reasons for not providing the information to the applicant till date. Subsequently, the applicant filed 2<sup>nd</sup> appeal with State Information Commission (SIC) with the prayer that the PIO be directed to provide the information free of cost and also that penalty be imposed upon him for not providing the required information and for disobedience of the orders of the FAA.

**Proceeding/Decision:**

The appeal came up for hearing before the State Information Commission (SIC) on 06-04-2018. Mr. Rajesh Gupta Executive Engineer/PIO, JMC and Mr. Surinder Kumar were present. The PIO informed the Commission that the information sought by the appellant has been furnished to him. However, since the appellant was not satisfied with the information, a revised set of information has been deposited with the

registry of the Commission on 05-04-2018 for being provided to the appellant during the hearing. The appellant submitted that the information earlier provided by the PIO was not only incomplete but also misleading. Accordingly, a copy of the information deposited by the PIO with registry of the Commission was handed over to the appellant during the hearing with a direction to file a rejoinder by or before the next date of hearing.

The appeal was listed for the hearing again before the SIC on 16-04-2018. Mr. Anil Gupta AEE, JMC was present on behalf of the PIO. The appellant was also present and submitted that he has perused the information provided to him but the same is still incomplete. He accordingly filed a rejoinder with an advance copy to the PIO indicating the points on which the information was incomplete. The representative of the PIO assured the Commission that he will go through the rejoinder filed by the appellant and provide complete information to the appellant, keeping in view his views with regard to the information already furnished. The appeal was accordingly adjourned.

The appeal again came up for the hearing before the Commission on 23-05-2018. The appellant was present while as nobody appeared on behalf of the respondents. However, the PIO had filed the revised information with the registry of Commission on 22-05-2018 in response to the rejoinder filed by the appellant during the last hearing. A copy of the revised information filed by the PIO on 22-05-2018 was handed over to the appellant during the hearing. The appellant submitted that he will go through the information provided to him and thereafter file a rejoinder. He also sought a copy of the court order whereunder the Hon'ble High Court had stopped the work on construction of public bathroom in

sector-3 of ward-50 and also copy of court orders with regard to construction of community hall in ward-51 sector-2. The appeal was accordingly adjourned and the appellant was directed to file a fresh rejoinder in respect of information provided to him during the hearing. The PIO was directed to provide copy of court orders in respect of construction of public bathroom in ward-50, sector-3 and construction of community hall in ward-51, sector-2 to the appellant before the next date of hearing.

The appeal was once again listed for hearing before the SIC today on 25-06-2018. The appellant was present, while as nobody appeared on behalf of the respondents. The appellant filed a rejoinder to information furnished to him during the last hearing. He also submitted that though the court order dated 18-12-2013 in OWP No. 1742/2013 titled Arya Bhatt Seva Sansthan Vs JMC has been made available to him by the PIO, but the said court order does not indicate the subject matter with respect to which the Hon'ble Court has directed to maintain the statusquo. He therefore, sought a copy of writ petition so that he can see in what matter the Hon'ble Court has granted the statusquo order. Since nobody was present on behalf of the respondents, the views of the PIO could not be ascertained.

The statutory period available to the State Information Commission under sub-section (11) of the section 16 of the J&K RTI Act, 2009, for disposing of 2<sup>nd</sup> appeal is about to expire within a weeks time. Therefore, the present appeal cannot be kept on board any further and has to be disposed of. The present appeal is accordingly disposed of with a direction to the PIO to provide complete and correct information to the appellant within a period of 20 days from the date of receipt of this order, keeping in view the defeciencies pointed out by the appellant in his rejoinder dated 13-06-2018 which was filed by the appellant today during the hearing of the appeal. Though the appellant submitted that a copy of the rejoinder has already been furnished to the PIO on 13-06-2018 but in order to be sure, the registry is directed to send a copy of the rejoinder filed by the appellant to the PIO, alongwith copy of this order. The PIO is also

directed to furnish a copy of the writ petition in which the Hon'ble High Court has granted statusquo order with respect to construction of public bathroom as well as construction of community hall in ward Nos 50 and 51 respectively. In case the PIO fails to provide the information within the period specified above, the appellant will be at liberty to file a complaint before the State Information Commission in terms of section 15 of the J&K RTI Act, 2009.

**-sd-**

(Mohammad Ashraf Mir),  
State Information Commissioner,  
J&K State Information Commission.  
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No. SIC/J/A/242/2017  
/2018.

Dated: /

Copy to the:

- 1 First Appellate Authority (FAA) JMC, Jammu for information.
- 2 Public Information Officer (PIO) JMC, Jammu for information and compliance.
- 3 PS to SIC for information of HSIC.
- 4 Sh. Surinder Kumar, R/o Opposite H.No 371, Sector -03, Channi Himmat, Jammu.
- 5 Guard file.

(Baldev Raj )  
Joint Registrar,  
J&K State Information Commission.