



**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/K/SA/36/2018

Decision No. SIC/K/SA/36/2018/**48**

**Final Order**

Appellant : Sh. M. Amin Khachoo

Respondents : First Appellate Authority (FAA)/  
Public Information Officer (PIO),  
J&K UEED

Date of Registration : 12.03.2018.

Date of Decision : 04.07.2018.

The brief facts of this case are that the appellant Sh. Mohammad Amin Khachoo filed an RTI application before the PIO, UEED, Suleiman Shopping Complex, Dalgate, Srinagar on 16.11.2017 seeking information regarding the work executed for the last five years in Phalgam Sewerage network, Laripora Pump Station and STP Phalgam with all details of items executed and

payments made against the said works with allotment No's and approval No's. As the PIO failed to reply his RTI application within prescribed time limit, the appellant filed the First Appeal before the FAA on 16.12.2018, who again failed to provide the information to the information seeker. Aggrieved by the inaction of the FAA and the PIO, the appellant filed the 2<sup>nd</sup> appeal before the Commission on 12.03.2018 praying therein that the respondents be fined for not providing the information as was requisitioned through his RTI application and that respondents be directed to provide him the requisite information as per his RTI application dated 16.11.2017.

The 2<sup>nd</sup> appeal came up for hearing on 17.05.2018. The FAA/Er. Mohd. Hanief Lone, Chief Engineer, J&K UEED, Sh. Suraj Gupta, Executive Engineer, UEED, Srinagar, PIO/Sh. Sandeep Dhar, Technical Officer to Chief Engineer, UEED and Sh. Farooq Ahmad (representative of the appellant) attended the hearing.

From the perusal of records placed on file and the submissions of both the parties, it transpired that the RTI application has been submitted on 16.11.2017 which has been received in the office of Chief Engineer on the same date as per the correspondence available in the office and which has then been

endorsed to the concerned division although it should have been properly transferred under section 6 (3) of the Act.

The hearing in the 2<sup>nd</sup> appeal was adjourned with the following observations:

The argument of the respondents is that the appellant (the then applicant) has not deposited the charges for provision of information, but the question is how can the appellant deposit the photocopying charges in the absence of any intimation about the specific amount which he has to deposit and which the respondent PIO/Executive Engineer, UEED, Srinagar is supposed to have calculated but he has failed to do so. Therefore, at this point of time the appellant is entitled to free of cost information in terms of section 7(6) of the Act, which he must be provided as early as possible; not later than 15 days from the date of receipt of this order.

The 2<sup>nd</sup> appeal again came up for hearing today on 04.07.2018. Neither the respondent PIO/FAA nor the appellant attended the hearing. While going through the records on the file, the PIO/Executive Engineer S&D Division 1<sup>st</sup> Srinagar vide No.SDD/914-17 dated 02.06.2018 has informed that pursuant to the directions passed by the Commission in its interim order dated 17.05.2018, the requisite information has been provide to the appellant free of cost in terms of Section 7(6) of the Act through

registered post/e-mail. The PIO has further submitted that the appellant is a contractor who visits his office on regular basis, as such, there is a possibility that the appellant may have received the information and might be satisfied with the same, that is why he did not appear before the Commission today despite of notice.

As the information has been provided to the appellant by the PIO as per the written submission made by the PIO, the appeal is disposed of. However, in case the appellant has not been provided the information, which the PIO claims to have been furnished to him as per his assertion made vide letter dated 02.06.2018, he shall be at liberty to file a complaint before the SIC. Further, registry is directed to issue a show cause notice to the PIO O/O J&K UEED Srinagar as to why he failed to attend the hearing of the 2<sup>nd</sup> appeal before the Commission today despite of notice.

**Sd/-**  
**(Mohammad Ashraf Mir)**  
State Information Commissioner

(Ahmad Sajad, PA)

Copy to the:

1. FAA/ Chief Engineer J&K UEE Department Srinagar
2. PIO/J&K U EE Department, Srinagar
3. PIO/Executive Engineer S&D Division 1<sup>st</sup> Srinagar

4. Appellant— Sh. M. Amin Khachoo S/o Gh. Muhammad Khachoo R/o Sathu Bar Bar Shah Srinagar.
5. Office file

**(Sheikh Fayaz Ahmad)**  
Registrar  
J&K State Information Commission