



**Jammu and Kashmir**  
(Constituted under 1  
**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)

**tion Commission**  
nation Act, 2009)

\*\*\*\*\*

File No. SIC/K/SA/25/2018  
Decision No. SIC/K/SA/35/2018/49

### **Final Order**

Appellant : Haji Jan Mohammad Koul  
Respondents : First Appellate Authority (FAA)/  
Public Information Officer (PIO),  
Srinagar Municipal Corporation  
Date of Registration : 07.03.2018.  
Date of Decision : 04.07.2018.

The brief facts of this 2<sup>nd</sup> appeal are that that appellant Haji Jan Mohammad Koul submitted an RTI application on behalf of Resident Welfare Society, Karan Nagar before the PIO, SMC Srinagar on 20.11.2017 seeking information with respect to some commercial building housing various commercial units at Karan Nagar, Ward No.22, Srinagar, including Ignites Minds, S. Mart, J.K. Photostat, Car Sport, Masroor and Masroor, Nazir Car Poi, having

agreement with one Jan Begum W/o Gh. Mohammad Haroon, Karan Nagar. The appellant has further sought information with respect to the said building vis-à-vis Land Title, copy of building permission, any notice of violation issued by the SMC and land title of the adjacent building housing Dr. Nazir's Testing Lab and its building permission. In view of the inaction of the PIO, the applicant filed the First Appeal before the FAA SMC Srinagar on 28.12.2017. But the FAA maintained silence, and did not adjudicate the First Appeal. Accordingly, the appellant filed the 2<sup>nd</sup> appeal before the Commission on 30.17.2017. On scrutiny of the appeal, it was found that the appeal is not properly addressed to the Registrar of the Commission and the 2<sup>nd</sup> appeal was without prayer clause besides the documents were not self-attested. After completion of the deficiencies, the 2<sup>nd</sup> appeal was finally admitted by the Commission on 07.03.2018. The appellant submitted that after filing of the First Appeal before the FAA on 28.12.2017, he received communication from PIO SMC enclosed with three leaves of information but the same has nothing to do with the information sought as per his basic RTI application dated 20.11.2017, thereby misleading him. The appellant has such prayed that the concerned officers be

directed to provide him the information sought and proceedings may be initiated against the erring officer and implementation of the law may be ensure.

**Proceedings before the Commission:**

The 2<sup>nd</sup> appeal came up for hearing before the Commission on 10.04.2018. The PIO and the FAA were absent despite notice of the Commission issued on 28.03.2018. The appellant was present. The appellant submitted that the SMC is most non-cooperative as far as the RTI Act is concerned, and that officials generally refuse to accept the RTI application unless these are marked by the Sr. Officials of the SMC. The appellant also stated that he had filed the RTI for public purpose as the area of Gole Market, Karan Nagar was being fast transformed into a commercial area. He also reiterated that the little information provided so far was misleading and not in terms of the RTI application. From the perusal of papers on file, the latest reply from PIO/Jt. Commissioner (Planning), SMC dated 22.03.2018 has enclosed two building permission (para 2 & 5 of the RTI application) and informed of non-availability of the rest of information requisitioned at paras 1, 3 and 4. The hearing in the 2<sup>nd</sup>

appeal was adjourned with the directions that the PIO will explain their absence and submit a para wise counter statement to the 2<sup>nd</sup> appeal well before the next date of hearing and send copy of the same to the appellant to enable to file rejoinder, if any.

**Subject: 2<sup>nd</sup> appeal titled Sh. Haji Jan Mohammad Koul vs. First Appellate Authority (FAA)/Public Information Officer (PIO), Srinagar Municipal Corporation (SMC), Srinagar under the J&K RTI Act, 2009.**

**Proceedings on 27.06.2018:**

FAA/Commissioner, SMC Sh. Riyaz Ahmad and PIO/Sh. R.K. Tutoo, Joint Commissioner (Planning), SMC, Srinagar attended the hearing. Appellant did not attend the hearing today.

On the last date of hearing viz. 21.05.2018, the PIO was directed to implement the interim order of this Commission dated 10.04.2018 and file written compliance thereof. The PIO was also directed to file parawise counter statement to this 2<sup>nd</sup> appeal within 15 days, but the PIO failed to file the parawise reply today. FAA/Commissioner, SMC and PIO sought short adjournment to file the counter statement. As the instant appeal has to be disposed of upto 05-07-2018 in view of the time prescribed in the J&K RTI Act, 2009, as such, the office is directed to list this case on 04-07-2018. FAA and PIO present were intimated about the said date. The office shall issue notices to the appellant only who is absent today. Apart from that, he shall also be intimated telephonically.

*With the above directions, the hearing is adjourned.*

**(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