



Jammu and Kashmir
(Constituted under 1
Wazarat Road, near DC Office Jammu, 0191-2520947, 2520937
Old Assembly Complex, Srinagar, 0194-2506660, 2506661

tion Commission
nation Act, 2009)

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File No. SIC/K/SA/39/2018

Decision No. SIC/K/SA/39/2018/**47**

Final Order

Appellant : Sh. M. Amin Khachoo

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

Date of Registration : 15.03.2018.

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 15.11.2017 seeking information regarding the details of maintenance (M&R) Funds released to Sewerage and Drainage Division 1st from January 2017 to October 2017 along with details of allotments and approval numbers. As the PIO failed to provide

the requisite information within prescribed time limit, the appellant filed the First Appeal before the FAA on 16.12.2018. In view of inaction of the FAA and the PIO, the appellant filed the 2nd appeal before the Commission on 15.03.2018 praying therein that the respondents be directed to provide the information as has been requisitioned through his RTI application and that respondents be fined for not responding to the TRI application within the stipulated time period.

The 2nd appeal came up for hearing on 17.05.2018. 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.

The respondents (FAA/PIO) sought more time to provide the information and accordingly requested for adjournment of hearing. However, it was pointed out to them that the RTI pertained to Chief Engineer, UEED's office since it is this office which releases M&R Funds to the Divisions.

The hearing in the 2nd appeal was adjourned with the following directions:

PIO, J&K UEED is directed to provide the requisite information to the information seeker in terms of the J&K RTI Act, 2009 and the Rules thereof within 15 days from the date of receipt of this order. The PIO, UEED and the FAA shall also file the counter statement to the 2nd appeal [copy sent (earlier)] and explain the delay since requisite information has not been provided till date.

The 2nd 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 Executive Engineer S&D Division No. 1st (UEED), Srinagar vide letter dated 28.05.2018 has informed the Commission that information containing 37 pages has been sent to the RTI applicant. Further, the PIO J&K U.E.E. Department vide letter dated 06.06.2018 has also informed the Commission that the portion of information available with the direction office was provided to the RTI applicant vide communication No. CE/UEED/PS/330 dated 18.05.2018.

In view of the written submissions made by the Executive Engineer S&D Division No. 1st (UEED), Srinagar and the PIO, J&K U.E.E. Department, as referred to above, it appears that the appellant may have received the information and is satisfied with the same which is why he did not appear before the Commission today despite of notice.

The appeal is disposed of. In case the appellant has not been provided with the information which the Executive Engineer S&D Division No. 1st (UEED), Srinagar and the PIO, J&K U.E.E. Department claimed to have furnished to him, he shall be at liberty to file a complaint before the Commission. 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 2nd 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 E E Department, Srinagar

3. PIO/Executive Engineer S&D Division 1st 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