



Jammu and Kashmir State Information Commission
(Constituted under the Right to Information Act, 2009)
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(I) File No. SIC/J/SA/258/2018
Decision File No. SIC/J/SA/258/2018/297

Final Order

Appellant : Sh. Shagundeeep Singh

Respondents : First Appellate Authority (FAA)/ Deputy
Excise Commissioner, Toll Post
Lakhanpur
Public Information Officer/ Excise &
Taxation Officer O/o Dy.
Commissioner, Toll Post Lakhanpur

Date of Receipt : 05.03.2018

Date of Decision : 27.08.2018

(II) File No. SIC/J/SA/260/2018
Decision File No. SIC/J/SA/260/2018/297

Appellant : Sh. Vishal Sharma

Respondents : First Appellate Authority (FAA)/ Deputy
Excise Commissioner, Toll Post
Lakhanpur
Public Information Officer/ Excise &
Taxation Officer O/o Dy.
Commissioner, Toll Post Lakhanpur

Date of Receipt : 26.03.2018

Date of Decision : 27.08.2018

Brief facts:

Appeal **No. SIC/J/SA/260/2018** has arisen out of RTI application filed by Sh. Vishal Sharma on 18.10.2017 before PIO/Dy. Commissioner Excise, Toll Post Lakhanpur seeking information in respect of certain identified fruit trucks, regarding basic toll charged and names and designation of officials/authorities responsible for taking action against offenders. The PIO provided the information to the applicant on 18.11.2017. The applicant filed 1st appeal against the order of the PIO before Dy. Excise Commissioner, Toll Post Lakhanpur on 04.12.2017 and the same was disposed of by the FAA on 29.01.2018. During the hearing of First Appeal, the applicant submitted that the information provided to him was not clear and legible. The FAA directed the PIO to provide clear and authenticated copy of information to the applicant. However, not satisfied, the applicant filed 2nd appeal before the State Information Commission (SIC) on 02.02.2018 alleging that the information provided to him was incomplete.

Appeal **No.SIC/J/A/258/2018** has arisen out of an RTI application filed by Sh. Shagundeeep Singh on 14.10.2017 with

PIO/ Dy. Excise Commissioner, Toll Post Lakhanpur, seeking information with regard to basic toll charged from the identified over loaded fruit trucks on 09.10.2017, 10.10.2017, 11.10.2017 and 12.10.2017, names and designations of officials responsible for taking action against the offenders and certified copies of registration or permit of the identified trucks/vehicles. The PIO furnished the information to the appellant on 08.11.2017. However, not satisfied with the said information, the applicant filed First Appeal on 29.11.2017 which was disposed of by the FAA on 16.01.2018. The applicant had contended during the hearing of First Appeal that the information provided to him was not legible. The FAA directed the PIO to facilitate inspection of records by the applicant. Aggrieved by the order of the FAA, the applicant filed 2nd appeal before the SIC on 02.02.2018 on the ground that the FAA has not applied him mind while disposing of the First Appeal.

Since the subject matter in both appeals was similar, the appeals were clubbed by the Commission for hearing together.

Proceedings/Decision:

The clubbed appeals came up for hearing before the SIC on 24.04.2018. The FAA submitted that the entire information

sought by the appellants in these appeals has been provided by the PIO to them within the stipulated period. Sh. Shagundeeep Singh, besides his own appeal, represented Sh. Vishal Sharma also during the hearing. He submitted that the information provided in appeal No.SIC/J/A/260/2-018 was not legible as the ticket numbers provided to him did not mention the un-laden weight and net weight of the vehicles passing the Lakhanpur Toll Post. He also submitted that the information provided to the appellants in both the appeals has not been authenticated by the PIO and does not carry name of the PIO. The appellant also submitted that the information with regard to ticket numbers provided in appeal No.SIC/J/A/258/2018 were also not legible and the weight of the trucks was not mentioned in the said information.

The FAA and the PIO submitted that on any given day almost 10,000 trucks/vehicles pass through the Lakhanpur post. The movement of the vehicles and the toll charged/collected is electronically recorded. The original information available with the PIO carries the details about the un-laden and net weight of the vehicles passing the toll post. However, while photo copying the records, the relevant entries may not have appeared on the

photocopied pages as the printing ink fades away with the passage of time. The FAA also submitted that it was for this reason, the appellant was given an opportunity of inspecting the original records.

After hearing the parties and going through the information provided to the appellant, it appeared that the information sought by the appellant has been provided to him. However, certain parts of information were not legible and did not carry the impressions with regard to details clearly. With the agreement of parties, the appellant was directed to convey a convenient date within next two days to the PIO for having inspection of records and the PIO was similarly directed to facilitate such inspection and confirm the date within a week's time thereafter to the appellants for having inspection of records. However, it was clarified that each appellant should separately and individually inspect the record by visiting the O/O the PIO personally. The hearing in the clubbed appears was accordingly adjourned.

The clubbed appeals again came up for hearing before the Commission today on 27.08.2018. Mr Ashish Gupta, FAA/Dy. Excise Commissioner, Toll Post Lakhanpur and Mr. Abhisheikh Abrol PIO/ Excise and Taxation Officer, Toll Post Lakhanpur

attended the hearing. However, the appellants did not attend. The PIO and the FAA informed the Commission that as per the directions given by the Commission on 24.04.2018, the 21st of August, 2018 was fixed as mutually convenient date for inspection of records by the appellants. The appellants attended the O/O FAA/PIO on the said date and inspected the relevant records. After having inspection, the appellants were satisfied with the information provided to them by the PIO. The appellants conveyed their satisfaction in writing, which was taken on record.

Since the information has been provided and the appellants are satisfied with the same, the clubbed appeals are disposed of as the purpose of filing these appeals has been achieved and nothing further survives for adjudication by the Commission in these appeals.

Sd/-
(Mohammad Ashraf Mir)
State Information Commissioner

(Ahmad Sajad, PA)

Copy to the:

1. FAA/Deputy Excise Commissioner, Toll Post, Lakhanpur.
2. PIO/Excise & Taxation Officer O/o Dy. Commissioner, Toll Post Lakhanpur.

3. Appellant—Sh. Shagundeeep Singh R/o Ward No. 13 Shastri Nagar near Akash Furniture Kathua.
4. Sh. Vishal Sharma R/o Ward No. 10 Raj Bagh Chabutra Kathua.
5. Office File.

(Zaheer Abbas)
Assistant Registrar
State Information Commission.