



**Jammu and Kashmir State Information Commission**

(Constituted under the Right to Information Act, 2009)

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**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/62/2018

Decision No. SIC/J/A/62/2018/322

**Final Order**

(Second Appeal)

Appellant : Sh. Surinder Kumar.

Respondents : First Appellate Authority (FAA)/  
Public Information Officer (PIO)/  
O/O Jammu Municipal Corporation (JMC),  
Jammu.

Date of Registration : 13.06.2018.

Date of Decision : 19.09.2018.

**Brief Facts:**

The present appeal has originated from RTI application filed by applicant Sh. Surinder Kumar on 29.12.2017 with the PIO/Enforcement Officer, JMC, Jammu seeking information on 07 points. The PIO furnished information to the applicant vide his letter No. JMC/CEO/598-600 dated: 08.01.2018. The applicant, however, filed First Appeal before the Commissioner, JMC, Jammu on 10.02.2018 submitting thereunder that the information provided by the PIO was not satisfactory in respect of points No. 1, 2, 4, 5, 6 and 7 of his RTI application. The FAA disposed of the First Appeal vide his order dated: 22.03.2018 with a direction to the PIO to provide complete/revised available information to the applicant with in a

period of 07 days from the date of said order. The PIO furnished the balance information to the applicant on 28.03.2018 and 18.04.2018. However, not satisfied with the information so provided, the applicant filed second appeal before the State Information Commission (SIC) on 29.05.2018 (admitted on 13.06.2018) praying therein that respondents be directed to provide the complete and accurate information to the appellant, free of cost.

### **Proceedings:**

The appeal came up for hearing before this Commission today on 19.09.2018. The parties were scheduled to be heard through Video Conferencing from Jammu office of the Commission. However, due to technical snag in the Video Conferencing facility, they were heard through voice call. The appellant submitted that though the information has been provided by the PIO but he is not satisfied with the response given by the PIO in respect of points No. 1, 2, 4, 5, 6 and 7 of his RTI Application. The PIO, on the other hand, submitted that complete information as was available in the office of the PIO has been furnished to the appellant.

In points 1 and 2, the applicant (now appellant) had sought response to hypothetical questions as to whether an owner of residential plot can raise construction of a commercial complex and whether a commercial building can be raised when the site plan is approved by the Municipal Corporation for residential structure. Such type of information cannot be available in the form of record or document with the public authority. Therefore, the said information does not come within the ambit of section

2 (d) of the J&K RTI Act, 2009. Hence, the public authority or the PIO is not under any obligation to provide such information to the appellant. Nevertheless, the PIO has already replied these two queries raised by the appellant. As regards points 4 and 5 of the RTI application, the appellant has sought information whether COBA notices have been issued by JMC to the attorney holders of plot No. 208/2 and 209/2 and why action has not been taken by the Enforcement Officer on the complaint lodged by the appellant. The PIO submitted that information has been provided to the appellant informing him that COBA notices have been issued to the plot owners and in view of the violation, the structure has been sealed. The Commission felt that a revised reply is required to be framed and furnished by the PIO to the appellant in respect of points No. 4 and 5. Similarly, in point No. 6 of the RTI request, the appellant had sought names of Khilafwarzi Inspectors who had been assigned the job of Channi Himmat Housing Colony with a copy of report submitted by him/them regarding violation done by attorney holder of plot No. 208/2. The PIO submitted that a copy of the order has already been furnished to the appellant. However, the Commission directed the PIO to provide the said information again to the appellant indicating the name of the Khilafwarzi Inspector/Inspectors. Through point No. 7 of the RTI request, the appellant had sought information whether COBA notices have been served upon the owner of plot No. 183/2. The PIO submitted that information has already been provided to the appellant informing him that no COBA notice has been served upon the owner of plot No. 183/2 as the Corporation has

duly approved the building permission in respect of the said plot in favour of Vijay Laxmi.

**Decision:**

**After hearing the parties and going through the information already furnished by the PIO to the appellant, the Commission has observed that entire information has been provided to the appellant. However, for the sake of clarity and satisfying the appellant, the PIO is directed to provide revised information in respect of points No. 4, 5 and 6 of the RTI application to the appellant within a period of 02 weeks from the date of receipt of this order. The purpose of filing the present appeal has been accomplished and nothing further remains to be adjudicated upon in this appeal. The appeal is accordingly disposed of.**

*Copy of the decision be given free of cost to the parties.*

**Sd/-**

**(Mohammad Ashraf Mir)**  
State Information Commissioner

No: SIC/J/A/62/2018\_\_\_\_\_

Dated:

Copy to:

1. FAA, O/O JMC, Jammu for information.
2. PIO/Chief Enforcement Officer, JMC, Jammu for information and necessary action.
3. Private Secretary to SIC for information of the HSIC.
4. Appellant/Sh. Surinder Kumar, R/o. Opp. House No. 371, Sector No. 3, Channi Himmat Housing Colony, Jammu-180015 for information.
5. Office file.

**(Zaheer Abbas)**  
Assistant Registrar  
J&K State Information Commission