



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. 0194-2484269, 2484262
www.jksic.nic.in

File No. SIC-K/SA/46/2013
Decision No. SIC-K/SA/46/2013/04

Title: ShriAbdul Rashid Zehgeer **v/s** General Manager
R/o Dharam Bugh, Kralpora, DIC Budgam
District Budgam
(Complainant) **(Respondent)**

Present:

1. Sh. Aijaz Ahmad, Joint Director, I&C Department.
2. Sh. Liaq Parvez, General Manager, DIC Budgam.

Srinagar
02.01.2014

This is a Second Appeal filed before the Commission on 16.12.2013 by Shri Abdul Rashid Zehgeer r/o Dharam Bugh Kralpora Budgam against PIO/General Manager DIC Budgam on the grounds that his RTI application dated 28.09.2013 has not been responded to within the stipulated time by the PIO and that he made an appeal before Director Industries & Commerce Kashmir (1st Appellate Authority) on 30.10.2013 for providing necessary information to him. It is his submission that after lapse of two months, General Manager DIC Budgam, without giving information for points (i) to (vi), gave an irrelevant reply vide

letter dated 25.11.2013 quoting the disposal order of FAA issued vide order dated 14.10.2013 which in fact is in response to the directions of the Commission dated 23.09.2013 pertaining to another RTI application. The appellant has accordingly requested the Commission to provide information to six queries of the RTI application dated 28.09.2013 and also take action against the erring officer.

In response to the notice of the Commission, Shri Laiq Parvez, PIO/General Manager DIC Budgam has made point wise response to all the queries of the RTI application vide letter dated 28.12.2013, with copy to the appellant as under: -

1. **“No such industrial ruling has been framed by the Government till date under which this office is required to obtain NOC from general public and inhabitants for registration of an industrial unit.**
2. **Clearance from PCB is a pre-requisite but has not been obtained at that time. However, thereafter the unit holder reportedly applied to PCB for issuance of consent to operate and deposited an amount of Rs. 9100 as consent fee.**
3. **The copy of order issued by PCB under No. 8-SPCB of 31.3.2012 was unofficially received in this office after the date of registration of the unit i.e., 26.04.2010 (copy enclosed).**
4. **Same as above.**
5. **Copy of the Act can be downloaded from MSME website.**
6. **The matter has already been taken up with District Magistrate Budgam vide No. DIC/Bud/F-2699/1335-36 dated 10.05.2011 as this office does not have enforcement powers to stop the unit holder to raise any construction work or demolition thereof outside Industrial Estates”.**

Upon perusal of the response of the PIO dated 28.12.2013, the Commission has noted:

- i) That copy of order of PCB referred to in para 3 dated as 31.03.2012 is actually 31.03.2010 as per enclosed order of PCB. PIO admitted that this is a typographical mistake and actual date is 31.3.2010.
- ii) With regard to query 5, PIO has stated that copy of the Act can be downloaded from MSME website. PIO is directed to intimate website

address/address to the information seeker from where the Act can be downloaded within 10 days from issue of this order.

- iii) As regard query 6, PIO submitted and produced evidence that point 5 mentioned under letter dated 4.12.2012 is the communication from General Manager DIC to Deputy Commissioner Budgam dated 10.05.2011. Copy of this letter has already been given to the appellant.

Regarding further action with regard to query (6), PIO submitted he has already requested Member Secretary State Pollution Control Board, J&K Jammu vide letter dated 23.12.2013. Copy of this communication has been marked to appellant also. However, the Commission directs the PIO to send a copy of it to appellant within 10 days from issue of this order, if not sent earlier.

All other queries have been responded to and also clarified vide reply dated 12.12.2013 copy of which has been marked to the information seeker. However, there has been some delay in disposing of the RTI application filed on 28.09.2013, beyond stipulated period as per the J&K RTI Act, 2009 and also response given initially do not appear relevant. Accordingly PIO/General Manager DIC Budgam is directed to explain as to why penalty proceedings under Section 17 of the Act shall not be initiated against him.

The Commission has also noted seriously that FAA Directorate of Industries & Commerce has not adjudicated First Appeal filed before him and has therefore, failed to exercise his duties cast unto him under Section 16 of the Act.

Joint Director Industries & Commerce Kashmir submitted that because of filing of multiple applications by same applicant on the same subject matter, some

confusion has arisen which has resulted in un-adjudication of the present appeal. A lenient view is therefore taken by the Commission because of the submission of Joint Director however; FAA is directed to be careful in future.

The appeal is accordingly disposed of with above directions.

Sd/-

(Nazir Ahmed)
State Information Commissioner

Copy to:-

1. Director Industries & Commerce Department Kashmir (FAA).
2. General Manager, District Industries Centre, Budgam(PIO).
3. Sh. Ab. Rashid Zehgeer R/o Dharam Bugh Kralpora, Budgam.

(M.S. Bhat)
Deputy Registrar,
J&K State Information Commission