



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/55/2013
Decision No: SIC/K/SA/55//2013/05

Title: Mushtaq Ahmad Lone, v/s FAA/Administrator,.
C/o Travekash Travels Solution M.C. Baramulla.
Pvt. Ltd. M.A. Road Srinagar PIO/Executive Officer,
(Appellant) M.C. Baramulla
(Respondents)

Present: 1.Sh. Imtiyaz-Ul-Haq, Executive Officer, MC Baramulla.

Srinagar
13.01.2014

This is a Second Appeal filed before the Commission on 17.12.2013 by Shri Mushtaq Ahmad Lone against Executive Officer/Administrator Municipal Council Baramulla. As per summary of data provided by the appellant, RTI application has been filed before PIO/Executive Officer MC Baramulla on 27.08.2013 and thereafter appeal has been filed before FAA/Director Urban Local Bodies Kashmir on 21.10.2013. The

appellant received information on 30.11.2013. The Second Appeal has been filed on the following grounds: -

- **“The PIO has not provided complete information regarding Point No. 3**
- **The PIO has not provided date and amount spent on toilets and present status regarding Point No. 5.**
- **The PIO has not provided documents related as what criteria were adopted by MCB for installation of dustbin & street lights in Baramulla town regarding Point No. 6”.**

The appellant has accordingly prayed the Commission to provide complete information in respect of these 3 points and to take action against PIO under the provisions of the State RTI Act for not providing information within stipulated time as laid down under the Act.

Shri Mukhtar-ul-Aziz, ADDC Baramulla (Administrator/FAA) in his reply submitted that after perusal of report of PIO (EO), appeal has been disposed of directing PIO to provide information to the applicant forthwith and appellant was directed to deposit fee as required under law.

In his reply to the appeal dated 03.01.2013, Shri Imtiaz-ul-Haq, PIO has submitted that he joined as Executive Officer MCB on 12.12.2013. Further that the RTI application was received on

29.08.2013 and accordingly the information was prepared and applicant was informed vide letter dated 06.09.2013 followed by another letter dated 11.10.2013 to attend the office of MCB to collect the requisite information after depositing the fee applicable. As evidence copy of these communications were produced before the Commission and taken on record. However, PIO submitted that the letters referred above were sent through Ordinary Post.

PIO has further submitted that the appellant thereafter filed First Appeal before Director Urban Local Bodies Kashmir on 25.10.2013 which was sent by him to Administrator MCB (FAA) vide letter dated 29.10.2013. The Administrator (FAA)/Addl. Distt. Dev. Commissioner Baramulla passed an order in the appeal directing PIO to provide the information and the appellant to deposit the fee. Thereafter information was sent to the appellant through Registered Post without receiving any fee in order to comply the orders of Administrator.

PIO has also responded point wise to the grounds of the appeal regarding alleged incomplete information as under: -

“Point No. 03. The information stands already provided as no loans have been provided to any person for construction of toilets/houses, but under the scheme of IHSDP Financial Assistance has been given to the needy urban poor for construction of dwelling units (list enclosed).

Point No. 05. The information has already been provided however, the elaborated/detailed report in respect of proper address location and amount spent on construction of these toilet blocks in enclosed herewith for your ready reference.

Point No. 08. Regarding Point No. 08, it is submitted that the street lights/dustbins were purchased at the Directorate level, and as such relevant documents can be had from the Directorate Office. This Municipal Council Baramulla was supposed only to identify the location, where the street lights/dustbins could be installed which has been done, after thorough survey by field staff and in consultation with local inhabitants on need basis”.

Copy of this reply along with enclosures has been sent to the information seeker as well through Registered Post.

Upon perusal of records, it is evident that PIO/EO MCB has responded to the RTI application initially on 06.09.2013 asking the information seeker to deposit requisite fee. Therefore RTI application has been responded to within prescribed time by the PIO. This response has been sent through ordinary post and information seeker has denied having received it, as is evident from his first appeal dated 21,10,2013. Subsequently in reply to

the second appeal, PIO has furnished point wise reply to 3 queries which are grounds of the appeal before the Commission.

It is therefore held that the issues raised in the 2nd appeal have been responded to and information provided to the information seeker under letter dated 03.01.2014.

Notice of hearing was marked to the information seeker as well. Also, at the start of the hearing he was contacted on phone by the personal section and it was informed the he is presently at Jammu and cannot attend the hearing.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. Administrator, Municipal Council, Baramulla (FAA).
2. Executive Officer, Municipal Council, Baramulla (PIO).
3. Sh. Mushtaq Ahmad Lone C/o Travekash Travels Solution Pvt. Ltd. M.A. Road, Srinagar.

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