



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/04/2014
Decision No. SIC-K/SA/04/2014/19

Title: Shri Nisar Ahmad Bhat **v/s** Chief Engineer EM&RE Kashmir
s/o Gh. Rasool Bhat Executive Engineer, PDD Shopian
r/o Audoo Shopian **(Respondents)**
(Appellant)

Present:

1. Shri Javed Hussain Wagay, AEE Sub Division Keller.
2. Shri Nisar Ahmad Bhat, appellant.

Srinagar

04.03.2014

Background of this appeal is that an RTI application has been filed by Shri Nisar Ahmad Bhat s/o Gh. Rasool Bhat r/o Audoo Shopian before PIO Power Development Department, Shopian on 31.08.2013 seeking following information :-

1. "That how much agreements are in record in your department of the village Audoo, Cheigund & Malpora.
2. Name of the families who are having agreement and name of the families how are not having agreements.
3. That how much fee are paying by the families having agreements and non agreements.

- 4. That whether there are families paying less or more fee names of the families and along with the categories in which they are paying less or more fee.**
- 5. That ho much wire, iron poles or other incidental material has been issued by your department to these villages from March 2011 to August 2013”.**

As no response was received within the prescribed period, the information seeker filed First Appeal before FAA/Chief Engineer Power Development Department, Srinagar through Registered Post on 21.10.2013 stating that PIO has failed to provide information to him within prescribed period under the Act and therefore under section 7(2) of the Act it is deemed refusal to provide information. He accordingly requested FAA to direct PIO provide information without further wastage of time. Thereafter, Second Appeal has been filed before the Commission on 04.01.2014 on similar grounds as in the First Appeal and further submitting that FAA has not been adjudicated within the prescribed period.

During proceedings, Shri Javed Hussian Wagay, AEE Sub-Division Keller, submitted that information has been provided to the information seeker on 26.02.2013 responding to all 5 points of the RTI application. Information seeker admitted to have been received the said information. The information seeker submitted that he filed RTI application because of the fact that there were some consumers who were using power illegally. AEE submitted that after filing of this RTI application, left over consumers have been regularized.

The Commission feels that the RTI application has been filed with the objective to serve the public purpose, which objective has been achieved to the extent of regularization of illegal connections.

It is evident that PIO has failed to dispose of the RTI application filed before him within the stipulated period under the Act. Therefore as required under Section 16 of the Act, PIO is directed to explain as to why penalty shall not be imposed on him for delay in disposing of the RTI application. His explanation should reach the Commission within two weeks from receipt of this order.

The Commission has also taken a serious note of the fact that FAA/Chief Engineer PDD Kashmir has not adjudicated the First Appeal filed before him by the appellant and has thus not discharged obligations cast unto him under Section 16 of the Act. The Commission directs the FAA to explain cogent reasons for ignoring the appeal of the appellant and also failing to attend the Commission on the date of hearing. His explanation should reach the Commission within two weeks from receipt of this order.

Registry to mark a copy of the order to Principal Secretary PDD Civil Secretariat Jammu for his information.

The appeal is disposed of with above directions.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the: -

1. Chief Engineer EM&RE Kashmir.
2. Executive Engineer, PDD Shopian.
3. Shri Nisar Ahmad Bhat s/o Gh. Rasool Bhat r/o Audoo Shopian.

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