



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/10/2013
Decision No. SIC-K/SA/10/2013/29

Title: Sh. Imtiyaz Ahmad Khan **v/s** 1. SE EM&RE Circle 1st, Srinagar
(Appellant) 2. Xen, ED-1st, Srinagar
(Respondents)

Present:

- | | | |
|---|---|----------|
| 1. Sh. Imtiyaz Ahmad Khan, Appellant | - | Present. |
| 2. Sh. Showkat Ahmad Banday, Respondent | - | Present |
| 3. Sh. Hashmat Yousuf Qazi, Respondent | - | Present |

Srinagar

15.03.2014

Background of this Appeal is that Shri Imtiyaz Ahmad Khan & Others filed two RTI applications before Executive Engineer, Electric Division, Basant Bagh, Srinagar on 04.12.2013 seeking copies of Rent Deed/documentary proof of M/s Planet and M/s Kuskan produced as a proof of legal tenancy alongwith Load Agreement executed between the Department and the consumers and copy of first application for supply of electric connection in respect of M/s Planet. These RTI applications have been responded to by the PIO/Executive Engineer ED 1st, Srinagar vide letters EDI/TS/243 & EDI/TS/242 dated

08.01.2014 by informing the information seeker that information sought is not available with his office and that the automation of the concerned subdivision having taken place in 2006, besides shifting of the sub divisional office in the same year resulted in all the documents being available post 2006.

Not satisfied with the disposal of the PIO, the appellant filed two First Appeals before Superintending Engineer, Electric Maintenance, Srinagar on 11.01.2014 against the orders of the PIO. The FAA has communicated to the applicant vide letters No. EI-I/M&RE/TS/5823-26 & EI-I/M&RE/TS/5827-30 dated 08.02.2014 that the information sought by you in the original RTI application has already been disposed of by the concerned Executive Engineer.

The appellant, not satisfied with the response of the FAA, filed Second Appeal in the matter before the Commission on 14.02.2013 with regard to both of his RTI applications and requesting the Commission that the information sought be provided to him.

In response to the notice of the Commission dated 18.02.2014, Shri Hashmat Yousuf Qazi, Executive Engineer, ED-1st, Srinagar submitted his counter reply under letter dated 22.02.2014 and has stated that inspite of huge efforts made by their Sub-Divisional Office, the said age old documents could not be traced.

During hearing today on 15th March 2014, PIO/Executive Engineer ED 1st, Srinagar reiterated that Rent Deed/Agreement with the consumers and copy of first application as sought by the information seeker is not traceable from the records. Section 2(i)

provides “Right to Information” means information which is held by or under the control of public authority. The PIO cannot create/provide information which is not traceable related to records of 2006. However, PIO is directed to make another effort to trace the record and also provide an opportunity to the appellant for inspection of record in the Record Room. In case the efforts fail to trace the information, the PIO shall submit an undertaking of concerned officer who is in control of such record duly attested by notary within two weeks from issue of this order. With regard to query load agreement, PIO submitted that on the basis of automatic information, the agreed load can be communicated. PIO is accordingly directed to communicate the agreed load officially to the appellant within two weeks.

With above directions, appeal is disposed of.

Sd/-
(Nazir Ahmad)
State Information Commission

Copy to the: -

1. Superintending Engineer, EM&RE Circle 1st, Srinagar.
2. Executive Engineer, ED 1st, Srinagar.
3. Shri Imtiyaz Ahmad Khan c/o Red & White Restaurant, SBI Lane, Residency Road, Srinagar.

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