

information on four points from PIO/General Manager DIC Budgam. As no response was received by him from the PIO, the appellant filed First Appeal before FAA/Director Industries & Commerce on 08.03.2014 requesting him for providing necessary information from General Manager DIC Budgam.

In response to the notice of the Commission PIO vide communication dated 10.06.2014 submitted that his office has not received the RTI application dated 06.02.2014 as claimed by the appellant and the same was stated in the reply to the communication of PIO Directorate of Industries & Commerce, Kashmir (copy enclosed).

During proceedings on 16.06.2014, the Commission observed that PIO has not responded to the queries of the RTI application and that copy of the counter statement has not been marked to the appellant. Appellant submitted that RTI application been sent through Registered Post. Accordingly 10 days time was granted to PIO to dispose of the RTI application by giving appropriate response as per records, under intimation to the Commission.

In compliance to above directions, PIO/General Manager DIC Budgam vide letter dated 01.07.2014 has responded to all the four queries of the RTI application as under: -

- 1. "As regards point No. 1 it is a matter of fact that this office vide letter No. DIC/Bud/RTI/1108 dated 29.08.2011 has conveyed that no NOC from PCB was required because the unit was granted provisional registration on 19.04.2010 before receiving PCB order on 26.04.2010 unofficially vide NO. 08-SPCB of 2010 dated 31.3.2010. However, point No. 2 of the communication No. DIC/Bud/TI 1872 dated 28.12.2013 is in context of aforesaid PCB's order.**

- 2. As regards point No. 2, reply conveyed vide this office letter No. DIC/RTI/1672 dated 15.11.2012 that the unit was registered before receiving the order on 26.04.2010 from PCB issued vide No. 08-SPCB of 2010 dated 31.3.2010 is the information which has been provided as the available office records.**
- 3. As regards Point No. 3 the date which you have construed and confused as date of registration is actually date of receipt of PCB order received unofficially on 26.04.2010.**
- 4. As regards point No. 4 this office has been implementing the order under reference after the date of its receipt i.e. 26.04.2010”.**

From perusal of queries in the RTI application it is evident that information seeker has pointed out contradictions in the reply furnished by the PIO in information sought earlier and these contradictions have now been clarified by the PIO in his response referred to above. It is evident that the crux of the RTI application was with regard to requirement of NOC from PCB for registration of unit under reference.

As per records produced before the Commission, provisional registration of M/s Madina Cement Products, Darambugh Kralpora was issued on 20.04.2010 and the copy of the order of the PCB dated 31.10.2010 has been received on 26.04.2010. Thus the response of PIO dated 29.08.2011 stating that it was not necessary to obtain NOC from PCB is in context of provisional registration. As regards reply of the PIO in response to another RTI application dated 28.12.2013 that clearance from PCB is a pre-requisite, is on the basis of order of the PCB which has been received on 26.04.2010. Therefore there is no contradiction in the two responses.

In view of above the issues raised by the information seeker have been addressed/clarified and accordingly appeal is disposed of. However, with regard to delay in disposing of the RTI application, PIO/General Manager is directed to explain delay in view of evidence produced by the information seeker. His explanation should reach within two weeks of receipt of this order.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the: -

1. General Manager, DIC Budgam.
2. Shri Abdul Rashid Zehgeer r/o Dharam Bugh Kralpora Budgam.

(G.Q. Bhat)
Registrar,
J&K State Information Commission