



**Jammu and Kashmir State information Commission**  
(Constituted under The Right to Information Act, 2009)  
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Old Assembly Complex, Srinagar. 0194-2484269, 2484262  
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File No: SIC/K/Comp/17/2013  
Decision No: SIC/K/Comp/17/2013/**38**

Title: Shri Sonallah Bhat, v/s Assistant Director City, CA&PD  
s/o Abdul Gani Bhat, Assistant Director Ganderbal, CA&PD  
r/o Syedpora Harwan, **(Respondents)**  
Srinagar **(Complainant)**

Present: 1. Sh. A.R. War, Joint Director CA&PD Department, Kashmir.  
2. Shri Mushtaq Ahmad, Assistant Director City.  
3. Shri Riyaz Ahmad Sofi, SO O/o AD CA&PD Ganderbal.  
4. Shri Sonallah Bhat (Complainant)

**Srinagar**  
**25.04.2013**

The Commission received a complaint from Shri Sonallah Bhat s/o Abdul Gani Bhat r/o Syedpora Harwan, Srinagar on 22.03.2013 against PIO Assistant Director City/Ganderbal CAPD Department for alleged failure to provide information sought. The complainant has submitted that he filed an application under J&K RTI Act, 2009 before POI Joint Director (Adm) CAPD Department Kashmir. That the PIO/Joint Director directed PIO Assistant Director City/Ganderbal to provide the information seeker the required information vide letter No. DCAPDKL/Adm/B-X-347 dated 14.01.2012. Complainant further submitted that he approached Assistant Director City/Ganderbal time and again but his approach remained negative one and he did not bother to provide the information. Complainant has prayed the Commission that action as per law may kindly be initiated against the PIO so that requisite information is sought.

Records enclosed with the complaint reveal that the RTI application filed before PIO Public Distribution Department on 04.10.2013 seeking following information:

**“List about the distribution of rice, sugar, atta from January 2008 to December 2012 to all the Govt. as well FM shops falling under ward circle Batapora. The information must be on monthly basis”.**

PIO/Joint Director CAPD transferred this RTI application vide letter 14.01.2013 to PIO Assistant City/Ganderbal CAPD directing them to furnish the requisite information pertaining to them to RTI applicant directly in the capacity as PIO within the stipulated time under intimation to the Directorate. Therefore PIO/Joint Director CAPD Department Kashmir has transferred RTI application as per provisions of the Act, though there is marginal delay in this transfer.

During hearing Shri A.R. War PIO/Joint Director CAPD Kashmir submitted that the delay was procedural and not intentional. The plea of PIO/Joint Director is accepted by the Commission as he has transferred RTI application properly to the respective PIOs under intimation to the information seeker.

Shri Mushtaq Ahmad, Assistant Director City, CAPD Kashmir produced evidence that RTI application transferred to him has been disposed on 09.04.2013. Complainant admitted to have received the information. With regard to delay, PIO vide communication dated 25.04.2013 submitted that the cause of delay for submission of the information is due to the tragedy that occurred at his residence in the month of March 2013. The circumstances explained by the PIO with regard to delay are held reasonable by the Commission.

Another limb of the RTI application transferred to AD Ganderbal has reportedly been disposed of on 31.01.2013. PIO Joint Director CAPD Kashmir in his reply dated 12.04.2013 submitted that as reported by Assistant Director CAPD Ganderbal (PIO) vide his letter No DCAPDK/AD-Gbl/13/640 dated 09.03.2012, RTI applicant has refused to receive the information, with the plea to fulfill his demand which reportedly do not fall within the norms. The complainant who appeared before the Commission, however, vehemently refused to have been approached by any official/officer of the office of AD Ganderbal. Shri Riyaz Ahmad Sofi, representative of AD Ganderbal failed to produce any evidence with regard to information having been sent to the information seeker through some official.

From facts stated above, it appears that prime face there is delay in disposing of RTI application by AD Ganderbal. Registry to issue notice by name,

asking him as to why penalty proceedings shall not be initiated against him for delay in disposing of the RTI application returnable within two weeks from issue of this order.

Since one limb of information have been provided during the hearing, the complaint is at liberty to file an appeal before the FAA Directorate of CAPD Department Kashmir if he is aggrieved by the information. FAA Directorate of CAPD Kashmir is directed to entertain appeal if any filed by the complainant, within 10 days from issue of this order.

The complaint is accordingly disposed of.

Sd-  
(Nazir Ahmed)  
State Information Commissioner

Copy to the: -

1. Joint Director CA&PD Department, Kashmir.
2. Assistant Director Ganderbal CA&PD Department Kashmir.
3. Assistant Director City CA&PD Department Kashmir.
4. Shri Sonallah Bhat s/o Abdul Gani Bhat r/o Syedpora Harwan, Srinagar

(Mohammad Shafi)  
Assistant Registrar,  
J&K State Information Commission