



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/Comp/24/2013
Decision No: SIC-K/Comp/24/2013/49

Title: Er. Pervaiz Ahmad Wani, v/s PIO/ADC Budgam
r/o Kremshore District Budgam **(Respondent)**
(Complainant)

Present: 1. Shri Mohd. Shafi Chak, PIO/ADC Budgam.
2. Er. Pervaiz Ahmad Wani, complainant.

Srinagar
29.05.2013

The Commission received a complaint from Er. Pervaiz Ahmad Wani s/o Gh. Nabi Wani r/o Kremshore District Budgam on 07.05.2012, stating that he submitted an RTI application on 17.11.2013 to Deputy Commissioner Budgam for getting information regarding the withdrawal of NOC for putting up the New MS/HSD retail outlet at village Kremshore on Budgam Khansahib road, which has remained pending till date. He has further submitted that he visited office of Deputy Commissioner Budgam for receiving the said information, but till date he has not received any information and is asked to wait for some time. The complainant has enclosed a copy of judgment of Hon'ble High Court and requested the Commission to provide the information and appropriate action taken against the defaulting officials.

On scrutiny of documents enclosed with the complaint reveal that the requisite fee has been deposited in the shape of non-judicial stamp amounting to Rs. 50/-. RTI application has been filed before the Deputy Commissioner Budgam on 15.11.2012 and on the said date RTI Rules 2010 stood revoked which provided for payment of fee in the shape of non-judicial stamp. However, as per RTI Rules 2012 promulgated vide SRO 279 dated 30.08.2012, payment of fee amounting to Rs. 10/- has been prescribed in the shape of 'cash against proper receipt or by demand draft or bankers cheque or Indian Postal Order'. Since fee has not been paid in the prescribed form as per RTI Rules 2012 which was in vogue on the date of filing of RTI application by the complainant, the Commission cannot take cognizance of the complaint. However, keeping in view the spirit of RTI Act, PIO/ADC Budgam shall entertain this application and dispose of the RTI application under section 6 of the Act as and when fee in the prescribed format as per RTI Rules 2012 is paid by the complainant.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the: -

1. Additional Deputy Commissioner, Budgam.
2. Er. Pervaiz Ahmad Wani s/o Gh. Nabi Wani r/o Kremshore District Budgam.

(Mohammad Sayed Shah)
Registrar,
J&K State Information Commission