



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/31/2013

Decision No: SIC-K/Comp/31/2013/67

Title: Mst. Masooda Akhtar, v/s Executive Engineer.
r/o Indra Nagar, Srinagar EM&RE Division 1st
(Complainant) **(Respondent)**

Present: 1. Shri Hashmat Qazi, Xen ED 1st, Srinagar (PIO) Respondent.
2. Shri Nisar Ahmad Mir, AEE, EM&RE Division 1st, Srinagar.
3. Masooda Akhtar, Complainant.
4. Arslan Sahil (Rep. of Complainant).

Srinagar
31.07.2013

The Commission received a complaint on 27.06.2013 from Mst. Masooda Akhtar r/o Indra Nagar, Srinagar against Executive Engineer EM&RE Division 1st Srinagar stating she had sought information from PIO Office of Development Commissioner Power, J&K, Grid Substation Complex, Janipur Jammu which he failed to provide and accordingly she filed appeal with FAA o/o TO Development Commissioner Power but no action was taken regarding this for quite long time. Complainant has further submitted that of late irrelevant/incomplete information was provided to her video letter dated 17.04.2013 (copy enclosed). The complainant has requested the Commission to decide her appeal so that justice delayed is not denied to her.

Records brought on record reveal that an RTI application was filed by the complainant on 14.01.2013 before Development Commissioner Power, J&K Janipur, Jammu seeking following information:

1. "Photograph of my hooking on 21st October, 2012 for which I have been fine Rs. 10149.70.
2. How can I may pay interest of Rs. 149.70 if I have never been communicated about fine or hooking earlier?
3. List of those who have, too, been fine on the said date alongwith the amount of fine realized from them/imposed on them".

The RTI application has been transferred by PIO Office of Development Commissioner (Power) to Executive Engineer, EM&RE Division, 1st Srinagar on 17.01.2013 with the directions to ensure providing of information to applicant as is mandatory in terms of RTI Act 2009 within stipulated time.

During hearing Shri Hashmat Qazi, Xen, Electric Division 1st submitted that the RTI application was received by him on 05.02.2013 and vide letter dated 17.04.2013 information has been provided to the information seeker.

The representative of the complainant submitted that information received in response to query 3 i.e., amount of fine charged from other offenders has not been given. PIO submitted that information is available with them and a copy was provided to the information seeker during hearing.

With regard to query (1) of the RTI application i.e., photograph of hooking on 21st October, 2012, PIO submitted that there were large number of photographs in their record and that it was not possible for them to trace the particular photograph on their own and accordingly information seeker was requested to attend their office to identify photograph which pertain to their house, which they did not attend. PIO/Xen further submitted that the photograph has now been traced out and copy of same was given to the information seeker during hearing. It is therefore concluded that information as asked for has now

been provided. However, prima facie there is delay in disposing of the RTI application beyond stipulated time as provided under the Act. Sh. Hashmat Qazi, Xen (PIO) is directed to explain as to why penalty proceedings shall not be initiated against him for delay in disposing of RTI application which has admittedly been received by him on 05.02.2013. His explanation should reach Commission within three weeks from issue of this order.

sd/-

(Nazir Ahmed)

State Information Commissioner

Copy to the: -

1. Executive Engineer, Electric Division 1st Srinagar.
2. Asstt. Executive Engineer, EM&RE Division, 1st Srinagar.
3. Smt. Masooda Akhtar w/o Mohammad Sidiq r/o INdira Nagar, Srinagar.

(M.S. Bhat)

Deputy Registrar,

J&K State Information Commission