



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/CO/Comp/53/2013
Decision No. SIC/CO/Comp/53/2013/73

Title:- Shri Abdul Rashid Zehgeer V/s General Manager
R/o Dharambugh Kralpora DIC Budgam
(Complainant) (Respondent)

Present:- 1. Sh. Liaq Parvez, PIO/General Manager, DIC Budgam
2. Sh. Abdul Rashid Zehgeer, complainant.

Srinagar
23.09.2013

The Commission has received a complaint on 15.07.2013 from Sh. Abdul Rashid Zehgeer R/o Dharambugh Kralpora against General Manager DIC Budgam for not providing response to his RTI application.

Records reveal that RTI application dated 12.11.2012 addressed to General Manager DIC Budgam have been filed by the complainant seeking following information:-

- (i) Kindly give me the Industrial Norm according to which you have not to obtain NOC from State Pollution Control Board before allowing permanent registration to "Madina Cement Products Unit" in a residential area at Dharambugh Kralpora and that too very adjacent to my residential house. Please note that the unit is not exempted as per SPCB norms.
- (ii) Kindly inform me the action taken (other than stopping incentives) against "Madina Cement Products" for violating your instructions contained in your letter No. F-2669/1335-36 dated 10.05.2011 (Copy enclosed) as the unit holder constructed the 2nd storey in concrete material, thereby affecting our privacy totally. The information about the 2nd storey was already given to you vide my

letter No. A-Z-53-2012 dated 17.03.2012. A copy of the action taken may also be made available to the undersigned.

This RTI application has been disposed of by the PIO/General Manager DIC Budgam vide letter dated 15.11.2012 as under:-

“Please refer your application dated 12.11.2012 regarding captioned subject. In this context, it is to inform you that the unit in question was granted provisional registration by the office before receiving the order from State Pollution Control Board, however, it may be mentioned here that the department cannot stipulate the further conditions once registration was granted in favour of the unit, as regards part 2nd no any incentive has been granted to the unit till date, more so construction of 2nd storey of factory shed cannot be demolished by this office as the same does not fall within the purview of this department.”

Subsequently the complainant has filed First Appeal on 09.04.2013 against information provided by the PIO.

Since notice was not served on the FAA O/o Directorate of Industries & Commerce Kashmir for reply/rejoinder, the Commission is not in a position to know the status of the First Appeal filed before FAA.

The Commission has noted that although PIO has disposed of RTI application within prescribed period, yet the complainant is aggrieved on the grounds of incomplete information as alleged in his complaint. The remedy for this lies in filing appeal under section 16 of the Act. Accordingly, the complaint filed before the Commission is remitted to FAA with the directions to adjudicate the First Appeal filed before him by the information seeker on 09.04.2013 by passing a speaking order after giving an opportunity of being heard to the complainant within period prescribed under the J&K RTI Act, 2009.

The complaint is accordingly disposed of.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. Director Industries & Commerce Department Kashmir (First Appellate Authority).
2. General Manager, DIC Budgam.
3. Sh. Abdul RashidZehgeer S/o Najam-U-Din Zehgeer R/o Dharambugh Kralpora.

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