



State Information Commission

(Constituted under Right to Information Act 2009)

Old Assembly Complex, Srinagar, Fax No. 0194-2484269, 2484262

Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937

www.jksic.nic.in

File No: SIC/J/A/75/ 2013
Decision No: SIC/J/A/75/ 2013/159

Sh. Kovid Khosla
Advocate J&K High Court

Appellant Absent

Sh.Nisar Ahmed
Jr. Engineer
On behalf of Executive Engineer/PIO
O/oHydraulic Division,
Kishtwar.

Present

**Jammu.
18-06-2013**

Briefly the facts in this appeal are that Sh. Kovid Khosla, Advocate, J&K High Court Jammu, Opposite Eicher Showroom, Main Road, Sidhra, Jammu moved an application dated 07-01-2012 under the J&K RTI Act, 2009 before the PIO O/o PHE Division Kishtwar seeking the following information:-

- A. *Total amount received by the Ex-Engineer (PHE Division Kishtwar) AEE Stores (PHE Division Kishtwar) or other concerned officials of said division from Chief Engineer PHE in year 2010, 2011, 2012 for making purchases of different items under different heads.*
- B. *Names and designations of officials of (PHE division Kishtwar) to whom such amounts have been sanctioned for making such purchases with description of amounts sanctioned.*
- C. *Details of the items including GI and MI pipes purchased by abovesaid officials in year 2010,2011, 2012 alongwith their actual cost of purchase brand and name of company/firm/individual from whom such items have been purchased.*

- D. Whether tenders for such purchases were done if yes, name of the company/firm/individual who made bids and in whose favour tenders were passed with date of tenders.*
- E. Details of bids made in such tenders alongwith the details of the approved bids for last three years.*
- F. Details of items utilized/distributed/installed alongwith the dates and areas of their installation/distribution/utilization*
- G. Present status of store of (PHE Division Kishtwar) with full details of quantity and brand of remaining items at present alongwith the name and designation of incharge of aforesaid stores.*
- H. List of the removed or damaged items lying in the aforesaid stores at present*
- I. Name of the development works done by PHE department under M.L.A (C.D.F) Kishtwar in year 2010,2011, 2012 till date with full details of works done/estimated costs of such works/amounts received for carrying out such works /order and date/physical status with details of the executing agency or contractor and name of the block in which such work was done.*
- J. Whether tenders for such works were done if yes then details of the tender quotations with details of approved bids and name of the contractors or agency who carried out the work and time period within which such works were executed*
- K. Yearly losses in rupees in the said division for non recovery of water supply dues.*
- L. Total amount in rupees yet to be recovered as rent in entire PHE division Kishtwar from consumers for consumption of water supplied by department and steps taken by department for such recovery.*

The information seeker has alleged in his appeal before the Commission that the PIO failed to provide him requisite information within statutory period and thus, feeling aggrieved of inaction on the part of the PIO, the information seeker also filed an appeal before the FAA i.e. Superintending Engineer, Hydraulic Circle, Doda on 19-02-2013. The FAA vide letter dated 01-03-2013 directed the PIO concerned to provide information to the appellant within stipulated time, but unfortunately the PIO did not dispose of the RTI application even after expiry of the time limits specified under Section 16 of J&K RTI Act, 2009. The information seeker has also alleged that in this case, FAA has not followed the

procedure prescribed for adjudicating an appeal. The information seeker further alleged that the PIO even after getting a direction from the FAA did not provide him complete information and requested that strict action be taken against the erring and guilty officer as warranted under RTI Act, 2009. The matter was listed for hearing on 23-05-2013 before the Commission and during the course of hearing on that day, the PIO furnished a set comprising of (102) pages of information to the information seeker. In order to refute the allegations of the information seeker, the PIO vide office letter No: HDK/1026-28 dated 21-05-2013 informed the Commission that he intimated the appellant Sh. Kovid Khosla , Advocate with his office letter No. HDK/7813-14 dated 4-02-2013 to deposit Rs. 500/- as photo copying charges for the information sought by him as the information sought was quite voluminous. The photocopy of the said letter is also brought on record for reference. The PIO further submitted that due to non-response from the complainant, he decided to submit photo copy of the official record to the complainant at his own expenses in order to avoid any delay in the matter.

The PIO requested the Commission vide office letter HDK/1510-13 dated 15-06-2013 that he has been called by Hon'ble Minister PHE, I&FC Department J&K govt. for a review meeting on 18-06-2013 at Institutions of Engineers, Gandhi Nager, Jammu and sought exemption from personal appearance before the Commission and deputed Sh. Nisar Ahmed, Jr. Engineer alongwith all relevant record to attend the hearing before the Commission. The PIO was granted exemption from personal appearance as requested by him.

In view of the aforesaid facts, it is apparent that information as desired by the information seeker has been furnished to him free of cost and thus, no further direction in the matter is required.

The appeal is accordingly disposed of.
Notice of this decision be given free of cost to the parties.

Sd/-
Dr. S.K. Sharma
State Information Commissioner

Copy to :

1. First Appellate Authority / Superintending Engineer, Hydraulic Division, Doda.
2. Public Information Officer / Executive Engineer, Hydraulic Division, Kishtwar.
3. Sh. Kovid Khosla, Advocate, J&K High Court Jammu, Opposite Eicher Showroom, Main Road, Sidhra, Jammu.

(Jang Bhadur)
Joint Registrar,
J&K State Information Commission