



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/135/2013
Decision No: SIC/J/A/135/2013/246

Sh. Kovid Khosla
Advocate

Appellant Present

Sh. Manhar Gupta
Executive Engineer,
PDD, EM&RE Division,
Batote.

PIO Present

Sh. Bushan Kumar Gupta
AEE, Technical officer to
Superintendent Engineer,
On behalf of FAA,
Superintendent Engineer,
EM&RE Circle III, Batote.

Present

Jammu
30-08-2013

Briefly the facts in this appeal are that Sh. Kovid Khosla (Advocate J&K, High Court) R/o Opposite Eicher Showroom, Main Road Sidhra, Jammu moved an application dated 29-03-2013 under J&K RTI Act, 2009 before the PIO, Executive Engineer, M&RE Division, Batote seeking the following information:-

- A. Total amount received from State Govt. by Ex. Engineer (EM&RE Div-Batote)/A.E.E Stores (EM&RE Div-Batote) or other concerned officials of EM&RE Div - Batote year 2010, 2011, 2012 till date for making purchases of different items under different heads.

- B. Names and designations of officials of (EM&RE Div-Batote) to whom such amounts have been sanctioned for making such purchases with description of amounts sanctioned.
- C. Details of the items (including quantity/quality/brand/date of purchase) purchased by abovesaid officials in year 2010, 2011, 2012 alongwith their actual cost of purchase 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. Details of the items purchased from ECSD Jammu, SICOP Jammu/Super Bazar, Workshop Division Jammu and local market in the years 2010, 2011, 2012 till date with details of their rate/brand/quantity/area of installation/date of distribution etc.
- H. Details of the list of requirement of different items sent to the concerned office in the years mentioned above.

After receiving the application of the information seeker, the PIO/ Executive Enginee, EM&RE Division, Batote requested the information seeker vide office letter No:733-34 dated 24-05-2013 to deposit an amount of Rs.100/- towards cost of information and also informed him that the information has been prepared and shall be sent after receiving the cost of information in this division. The demand raised by the PIO is time barred and not as per the mandate of the RTI Act. The cost of the information has to be demanded within 30 days of filing the RTI application whereas in this case, the PIO has demanded the cost of information after about two months of filing the RTI application. Thus feeling aggrieved of the order of the PIO, the information seeker filed Ist appeal dated 08-05-2013 before the FAA i.e Superintendent Engineer, EM&RE Circile-III Batote.The Superintendent Engineer, EM&RE Circile-III Batote disposed of Ist appeal vide order No:SE/M&REC/RTI/297-99 dated 10-05-2013 with a direction to the Executive Enginee, EM&RE Division,

Batote to provide the requisite information to the information seeker within 7 days from the date of issue of this order under an intimation to his office.

During the course of proceedings, the appellant alleged that he was not provided an opportunity of being heard by the FAA and order was passed behind his back which is violative of principles of natural justice and requested that FAA be reminded of its duty as a quasi-judicial body which is supposed to adhere to the norms of natural justice. Perusal of the record shows that the FAA did not provide an opportunity of being heard to the information seeker and order passed by the FAA is not a speaking order and is devoid of reasons. The FAA should treat this order as a wakening call and in future must act with care and circumspection while disposing of RTI applications.

The appellant during the course of proceedings alleged that the information provided to him by the PIO is incomplete with respect to queries C,D and G of RTI application. The PIO also agreed to provide the revised information with respect to the aforesaid queries. In view of the aforesaid facts, the PIO is hereby directed to provide the revised information to the information seeker with respect to queries C,D and G of the RTI application of the information seeker within two weeks from the date of receipt of this order under an intimation to the Commission. The information should be sent to the information seeker under a registered cover at his residential address. The PIO is also directed to file an affidavit to the Commission duly attested by Public Notary that the information provided to the information seeker is complete in all respects and is in conformity with his RTI application and nothing has been concealed within three weeks from the date of receipt of this order.

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

Anu (SS)

Copy to:-

1. First Appellate Authority / Superintendent Engineer, EM&RE Circile-III Batote.
2. Public Information Officer / Executive Engineer, EM&RE Division, Batote.
3. Sh. Kovid Khosla, Advocate, J&K High Court Jammu, Opposite Eicher Showroom, Main Road, Sidhra, Jammu.

(Khalid. A. Shah)
Dy. Registrar
J&K State Information Commission