



Jammu and Kashmir State Information Commission

جموں اینڈ کشمیر سٹیٹ انفارمیشن کمیشن

(Constituted under The Right to Information Act, 2009)

Wazarat Road Near D.C. Office, Jammu, Fax No. 0191-2520947, 2520927

Old Assembly Complex, Srinagar. Fax No. 0194-2484268, 2484269

www.jksic.nic.in

File No: SIC-J-A-20/2013

Decision No: SIC-J-A/20/2013/62

Sh. Haq Nawaz Nehru	Appellant	Absent
Sh.S. R Shukla Executive Engineer, PHE Division, Doda.	PIO	Present

Jammu
18-03-2012

Briefly the facts in this appeal are that Sh. Haq Nawaz Nehru Coordinator J&K RTI Movement Chenab Valley Doda moved an application dated 07-04-2012 under J&K Right to information Act, 2009 before the PIO office of the Executive Engineer, PHE Division, Doda seeking the following information:-

- i. Total payments drawn on a/c of AR (Annual Repairs) with documents.*
- ii. Details of works taken up departmently without tenders and works put on tenders.*
- iii. Complete details of Nagni to Hanch Malna water supply scheme with detail of material used and copy of Forest Clearance of concerned Compartments of Kuntwara Range of Forest Division Doda.*
- iv. Complete detail of WSS Gilar Gote to Bikhriyan and Unchakri size of pipe with total length. Local laying of half inch pipe line in*

Bikhriyan and adjoining villages. Details must accompany copies of MB, Work Register.

- v. How much works has been taken up in Sub Division Bhaderwah. Out of these works how much put on tenders and how much taken up departmentally?*
- vi. How much works taken up in Ramban Sub Division departmently?*

The PIO failed to provide information to the information seeker within the statutory period. Thus feeling aggrieved of inaction on the part of the PIO, the information seeker filed an appeal dated 08-05-2012 before the Ist Appellate Authority i.e Superintending Engineer, Hydraulic Circle, Doda. The Superintending Engineer, Hydraulic Circle, Doda vide letter No.SED/H/539-41 dated Nil directed the Executive Engineer, PHE Division, Doda/PIO to provide information to the information seeker within stipulated period after depositing requisite amount as warranted under rules.

During the course of proceedings, the PIO informed the Commission that there is delay in furnishing the information to the information seeker. It was because of the fact that a demand to pay the cost of information was made to the information seeker vide letter No: PHED/RTI/1093-94 dated 28-05-2012 which he did not comply with. In his written submissions made before the Commission, the PIO further informed that the information free of cost has already been provided to the information seeker vide letter No. PHED/D/RTI/2012-13/7280-81 dated 02-03-2013 which was duly received by him on 03-03-2013. However, the fact remains that the second appeal of the information seeker is time barred as he was supposed to file second appeal within stipulated period of 90 days after the disposal of Ist appeal i.e on or before 23-09-2012 whereas the information seeker filed second appeal on 23-01-2013.

Thus, there is delay of about 120 days in filing the second appeal before the Commission which is time barred. Moreover, the information seeker has not filed any application for condonation of delay.

In view of the aforesaid facts, delay stands unexplained by the information seeker and being unreasonable also, it cannot be condoned. Such an infirmity in the appeal being substantive in nature and is in violation of statutory provisions warrants its dismissal.

The appeal is accordingly dismissed.

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 / Superintendent Engineer, PHE Division, Doda.
2. Public Information Officer / Executive Engineer, Hydrallic Division, Doda.
3. Sh. Haq Nawaz Nehru Coordinator J&K RTI Movement Chenab Valley Doda.
4. Guard file.

(M.S Shah)
Registrar
State Information Commission