



**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](http://www.jksic.nic.in)

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File No: SIC/J/C/160/2012

Decision No SIC/J/C/160/2012/63

Sh. Kovid Khosla (Advocate)  
on behalf of Sh. Dheeraj Sharma  
(Appellant).

Present

Sh. Sarwan Singh  
Executive Engineer,  
P.H.E. Division,  
Rajouri.

PIO

Present

**Jammu  
19-03-2013**

The Commission vide its Decision No. SIC/J/C/160/2012/347 dated 16-10-2012 directed the PIO to furnish the information to the information seeker within two weeks from the date of pronouncement of this order under an intimation to the Commission.

The information seeker Sh. Dheeraj Sharma S/o Sh. Ram Saroop R/o Dangri, Tehsil & District Rajouri filed an application dated 16-11-2012 before the Commission alleging therein the noncompliance of the aforesaid order of the Commission. The Commission on receipt of the complaint for noncompliance from the information seeker issued notice bearing no. SIC/J/C/160/2012/848 dated 15-02-2013 and directed the PIO O/o Executive Engineer PHE, Rajouri to send counter reply to the Commission within 7 days. And in compliance to the aforesaid notice the PIO filed a counter statement bearing no. PHE/5423 dated 08-03-2013 containing ten leaves as enclosures. In the counter statement the PIO intimated that an application dated 11-05-2012 was received from the applicant for providing information as per Annexure-A. Since the information sought by the applicant was voluminous,

so the estimated cost of expenditure to be incurred i.e. Rs. 5,000 for providing the requisite information was demanded from the information seeker vide office letter no. PHER/1034 dated 29-05-2012. The PIO further submitted that the applicant did not deposit the requisite tentative amount but again submitted an application dated 07-06-2012 for providing information in the diskette (CD) U/s 6(a) of the RTI Act, 2009. Since most of the information sought by the applicant were photographs of the works from the year 2007-2008 to 2012-13), the estimated cost of these photographs as demanded by the professional photographer was Rs. 10,000/- (professional photographer does not provide photos in CD/diskette).

The PIO further submitted in response to the 2<sup>nd</sup> application of the applicant dated 07-06-2012 that the information which did not involve any financial implication was provided to the applicant vide office letter no. PHER/1362 dated 14-06-2012 and for rest of the information i.e. photograph fee of Rs. 10,000/- was demanded. As the applicant failed to deposit the requisite fee, so the information relating to photographs could not be provided to the applicant. The PIO had raised the demand for payment of cost of information within the statutory period of 30 days of filing the RTI application and has thus not intentionally denied the information relating to the photographs to the information seeker. The perusal of the record shows that the information furnished by the PIO in Annexure-'A' is not self explanatory. The PIO is directed to furnish the revised and detailed information which must be self explanatory, consistent and in conformity with the RTI application of the information seeker within three days from the date of pronouncement of this order under an intimation to the Commission.

During the course of proceedings, the PIO denied the receipt of any hearing notice to appear before the Commission when the matter was listed for hearing on 16-10-2012. He has also denied the receipt of copy of the Commission's decision dated 16-10-2012 and informed the Commission that he came to know about the pendency of the matter before the Commission when a notice bearing no. SIC/J/C/160/2012/1098-99 dated 07-03-2013 was send to him through ordinary post to appear before the Commission on 19-03-2013. The PIO is hereby directed to file an affidavit testifying on oath that he did not receive the notice bearing no. SIC/J/C/160/2012/5132-33 dated

04-10-2012 when the matter was listed for hearing on 16-10-2012 at Jammu office. Further he should also testify on oath the non receipt of the copy of the aforesaid decision of the Commission. The affidavit duly attested by public notary should be filed before the Commission within a week's time from the date of pronouncement of this order.

The complaint for non-compliance is accordingly disposed of.

Notice of this decision be given free of cost to the parties.

**Sd/-**  
( Dr. S.K. Sharma)  
State Information Commissioner