



J&K State Chief Information Commissioner
Old Assembly Complex, Srinagar. Fax ;0194-2484268,2484269
Wazarat Road, Jammu. Fax No: 0191-2520947, 2520927

File No. SIC /CO/Comp/75/2013
Decision No. SIC /CO/Comp/75/2013/627

Title: Mohammad Sultan Nagoo

V/S

Custodian General, J&K

Srinagar
08-05-2014

This is a complaint filed by Mohammad Sultan Nagoo R/o Gopalpora, Chadoora, Budgam against PIO and FAA, Custodian General, J&K. The PIO, Custodian General, Shri G.J.Bala (Advocate), representative of public authority and the complainant attended. The brief facts of the case are that the complainant filed an RTI application before PIO, Custodian Evacuee Property, Kashmir on 30-07-2012, seeking some information. The PIO had to pass an order as expeditiously as possible but not later than 30 days. As the complainant did not receive any response from the PIO, he preferred first appeal before First Appellate Authority, Custodian General, J&K vide his first appeal dated: 11-09-2012. The FAA as per section 16 of the Act was under legal obligation to adjudicate the appeal within 30 days or within further extendible time of 15 days after recording reasons. However, the complainant stated that till date no such order has been passed. The complainant accordingly filed complaint before the Commission complaining therein that both the authorities have failed to discharge their legal duties cast on them under the Act. The Commission has heard both the parties and also gone through the records. There is no doubt that there is an application under

section 6 on record. Similarly, first appeal is admitted to have been received by the FAA. However, the appellant maintains that he has not received any information. As the PIO has failed to adhere to the time frame laid down under Act for passing an order, therefore, he is directed to explain why penalty may not be imposed on him for not providing information to the information seeker. His reply, if any, should reach the Commission within 15 days from the pronouncement of this order.

The complaint is accordingly disposed of.

Sd/-

(G. R. Sufi)

Chief Information Commissioner

Copy to the:-

1. First Appellate Authority, Custodian General, J&K, Srinagar.
2. PIO, Custodian General, J&K, Srinagar.
3. Mohammad Sultan Nagoo R/o Gopalpora, Chadoora, Budgam (Complainant).
4. Pvt. Secretary to HCIC.
5. Guard File.

(G.Q.Bhat)

Registrar,

State Information Commission