



**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. 0191-2520927-947**

**Old Assembly Complex, Srinagar. Fax No. 0194-2484267**

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

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File No.SIC.CO/Comp/13/2013

Decision No.SIC/CO/Comp/13/2013/**432**

Title:- Shri Vikrant Sharma R/o J-235, Mast Garh, Jammu (9419180863).

V/s

1. Public Information Officer,  
Office of Commissioner Commercial Taxes,  
Excise and Taxation Department, Jammu.

05-04-2013

Jammu.

This is a complaint filed by Shri Vikrant Sharma, a resident of the State against the PIO, Office of Commissioner Commercial Taxes, Excise and Taxation Department, Jammu. The brief facts of the case are as under:-

That the complainant Shri Vikrant Sharma filed an RTI application before PIO on 14-09-2012 which was received by the PIO on 25-09-2012. The complainant complained that he did not receive order within 30 days from the date of receipt of his application, hence he has requested this commission to take appropriate action against the erring officer who has shown no "courtesy and honour for the law." The PIO who had to attend this commission preferred not to attend the Commission and sent Shri Z.A.Chouhan, Advocate who states Standing

Council of Commissioner of Commercial Taxes. He has requested to lead evidence before this commission by producing the copy of appointment of Standing Council of Commercial Taxes.

The Council states that PIO has passed order on 05-10-2012 under No.52/Adm/III/1875/CCT. Admittedly this order has been sent on wrong address. The information seeker has refused to have received any such order. The said order raises several issues. First of all whether sending information or denial of information to the information seeker on wrong address was a genuine mistake or with a design. Second issue is whether section 92 of J&K Value Added Taxes-2005 will take precedence over the provision of section 19 of the State RTI Act 2009. Similarly another question would be whether PIO should have invoked section 11 of the State RTI Act 2009 and disposed of the application filed by the complainant under section 7. However, the commission in view of the provision section 15 which has been invoked by the complainant would confine itself to investigating the issue whether the information seeker was intentionally refused to have access to the information because it is explained by the information seeker before this commission that the copy of the receipt of the post office under No.4326 dated 5-10-2012 clearly shows that order was shown to have been sent in the name of Shri Vikram Singh, Nai Basti Jammu whereas the address of the complainant written in the order of PIO dated 5-10-2012 as shown is Mr. Vikrant Sharma, M/s S.K.Armoury, Barnai Road and Bakshi Gun House, Nai Basti, Jammu. It is further intriguing to note that address noted in the copy of order as M/s S.K.Armoury, Barnai Road and Bakshi Gun House, Nai Basti, Jammu was done deliberately as the information sought pertained to these parties. The Commission is

therefore, of the considered opinion that in this case further enquiry is needed and commission in exercise of powers conferred on it under section 15(3) read with code of civil procedure, Sambat 1977 directs initiation of enquiry to know under what circumstances order was not sent on the correct address mentioned by the information seeker in his application dated 17-09-2012. The Registrar of the commission is directed to issue a Summon to Smt. Anuradha Rani, KAS Deputy Commissioner Commercial Taxes/PIO to appear before the Commission. The following documents may also be produced before the Commission:-

1. Receipt Register maintained in the office of Deputy Commissioner Commercial Taxes, Jammu from 1-4-2012 to 31-3-2013.
2. Despatch Register maintained in the office of Deputy Commissioner Commercial Taxes, Jammu from 1-4-2012 to 31-3-2013.

Before concluding this order, the Commission would observe that it seems that the concerned PIO has not fully gone through the provision of the State RTI Act 2009. Her attention is invited to provision of section 7(8) of the State RTI Act and it is hoped that in future the PIOs and other officers who are saddled with the responsibility of implementing the transparency laws in the State do discharge their duties in accordance with the provisions of the Act.

Sd/-

(G.R.Sufi)  
Chief Information Commissioner,  
J&K.

Copy to the:-

1. Public Information Officer, Office of Commissioner Commercial Taxes, Excise and Taxation Department, Jammu.

2. Shri Vikrant Sharma R/o J-235, Mast Garh, Jammu (9419180863).
3. Guard file.

(Mohammad Syed Shah)  
Registrar,  
J&K State Information Commission at Jammu.