



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/18/2013
Decision No.SIC/CO/Comp/18/2013/461

Title:- Shri Kovid Khosla, Advocate R/o Opposite Eicher Showroom, Main Road, Sidhra, Jammu.

V/s

General Manager/Public Information Officer,
J&K, SICOP, Srinagar.

11-06-2013
Srinagar.

This is a complaint filed by Shri Kovid Khosla under section 15 of the State RTI Act complaining therein that he had filed RTI application before the PIO, SICOP on 16-02-2013 seeking certain information. However, he did not receive information rather he received an order from the PIO asking the payment of Rs.296/- @Rs.2/- per page. The information so sought as per PIO's order dated 19-03-2013 consists of 148 pages. As the PIO did not receive copying charges of Rs.296/- therefore, he did not pass any order which as per PIO's contention is perfectly within the provision of State RTI Act. The application of complainant is dated 16-02-2013 and it has been posted at 11:51 AM on 16-02-2013. The PIO

insists that the said application was delivered at PIO's office on 19-02-2013 whereas the complainant Mr. Kovid Khosla in his written submissions and verbal arguments on telephone before the commission insisted that this registered post was delivered to PIO on 16-02-2013 itself. In this connection, attached Xerox copies of movement of Indian post, show delivery of the said post on 16.02.2013 itself. The PIO has further produced copy of acknowledgement book which shows receipt of this application in PIO's office on 19-2-2013 and order for asking payment of photocopies is dated 19-03-2013. 30 days time is provided under the act for communicating photo copy charges which is to be reckon with from 20-3-2013 and it ends on 21-3-2013. The complainant has insisted that he did not receive any order of information and payment of Photostat copy charges within stipulated time, therefore, action as provided under the act be taken against the PIO.

The commission has considered the submissions of the PIO as well as complainant. There is no conclusive proof before the commission whether the application for information submitted by the complainant was received by the PIO on the same date i.e 16-02-2013. As per the complainant's application the time of the receipt of the application by postal authorities is 11:51 pm on 16-02-2013. It is highly improbable whether to accept the claim of the complainant that his application for information was received on the same date by the PIO. The office timing for PIO's office is 10.00 am to 5.00 pm. 17th Feb. happens to be Sunday. Therefore, before giving any final finding regarding actual date of delivery of RTI application, the PIO is directed to get a certificate by the concerned postal authorities regarding the actual date of delivery of RTI application. The complainant submits a photo copy of Indian Post which is not

conclusive evidence. He is also directed to produce original certificate duly verified from the postal authorities to prove that the delivery of registered post of the compliant was made on the same date to PIO i.e on 16-02-2013. The registry is also directed to separately write to postal authorities to confirm when the speed post bearing No. EE839518209IN Counter No.1,OP – Code : PAI was delivered to PIO-cum-General Manager J&K SICOP. After undertaking and completing that enquiry, commission will consider the complainant's complaint for initiating penalty proceedings under section 17 and PIO's request for upholding his order dated 19-03-2013 for demanding copying charges of Rs.296/-

Sd/-
G.R.Sufi,
Chief Information Commission, J&K.

Copy to the:-

1. General Manager/Public Information Officer, J&K SICOP, Srinagar.
2. Shri Kovid Khosla, Advocate R/o Opposite Eicher Showroom, Main Road, Sidhra, Jammu.
3. Private Secretary to Hon'ble Chief Information Commissioner.
4. Guard file.

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