



**Jammu and Kashmir State Information Commission**  
(Constituted under Right to Information Act 2009)

Old Assembly Complex, Srinagar, Fax No. 0194-2484269, 2484262  
Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937  
www.jksic.nic.in

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File No: SIC/CO/Comp/44/2013  
Decision No: SIC/CO/Comp/44/2013/498

Title:- Pawan Gupta, Contractor  
H.No:146/3 Roop Nagar  
Upper JDA Colony, Jammu

V/s

PIO Directorate of Hospitality & Protocol

Srinagar  
11.09.2013

This is a complaint filed by Shri Pawan Gupta, a resident of the State under Section 15 of the State RTI Act before this Commission against the PIO Directorate of Hospitality & Protocol which was received in this Commission on 15.07.2013. Accordingly, hearing of the case was fixed today i.e 11.09.2013. Shri Sandeep Singh Bali, PIO Hospitality & Protocol attended the hearing. The information seeker did not attend. He was also contacted on phone but he did not pick up the phone. The brief facts of the complaint are that the information seeker filed an RTI application under Section 6 before the said PIO on 6.4.2013. As per Section 7 of the State RTI Act, PIO had to pass an order as expeditiously as possible but not later than 30 days which is an outer limit for passing orders under the State RTI Act providing or refusing the information. By not passing order within the time limit prescribed under the Act, the information which otherwise is givable under the Act is deemed to have been refused. The PIO states that order was passed on 29.5.2013. The Information seeker vide his complaint in the Commission dated: 3.7.2013 on oath informs the Commission that the information provided by the PIO is incomplete and incorrect information and has requested the Commission for directing the PIO to provide correct information and also initiate strict action against the violators of the RTI Act. Since the PIO has not provided information to the information seeker within time and caused delay in providing the information that too incomplete. The information so provided is also incomplete. He is accordingly directed to explain why penalty under Section 17 of the State RTI Act may not be imposed on him. His reply, if any, must reach this Commission within 30 days from the date of receipt of this order.

2. Information seeker has also not followed the correct procedure laid down in the Act. He should have filed first appeal before the FAA. The mandate of the Section 15 of the State RTI Act is limited in view of Hon'ble Supreme Court's decision in the case of Chief Information Commissioner Manipur V/s State of

Manipur and Another in Civil Appeal No: 10787-10788 of 2011. By not approaching the FAA, the office of FAA becomes redundant and it is mandatory for the information seeker to approach the FAA and then approach the Commission in appeal.

Sd/-  
(G.R. Sufi )

J&K State Chief Information Commissioner

Copy to:-

1. Public Information Officer, Directorate of Hospitality & Protocol, Srinagar
2. Shri Pawan Gupta, Contractor, H.No: 146/3, Roop Nagar, Upper JDA Colony, Jammu
3. Private Secretary to Chief Information Commissioner.
4. Guard file.

( Gh. Qadir Bhat )  
Registrar  
J&K State Information Commission