

**OFFICE OF THE
ASSAM STATE INFORMATION COMMISSION
JONAKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : KP(M).482/2011
Complainant/ appellant : Shri Niityananda kalita
Respondent : Director, Handloom & textiles, Govt. of Assam
Date of hearing : 08. 7.2015
Complaint/ Second : Shri H.S. Das, IAS (Retd)
appeal heard by Chief Information Commissioner, Assam

O R D E R
13.7.2015

The petitioner Shri Nityananda Kalita is present. The Public Authority is represented by (1) Shri Girish Ch. Brahma, Jt. Director, H&T, (2) Shri A.R. Choudhury, Public Relation Officer, H&T and (3) Shri Mrinal Kalita, Dealing Assistant of the Department. The complaint petition dtd. 9.8.12 is taken up for hearing in presence of both the parties.

The complainant submitted that vide letter dtd 16.7.11 the Addl. Director, Handloom & Textiles, Govt. of Assam refused to provide the information sought for on the ground that the petitioner asked for information against more than three points. The Commission is of the view that this is not in accordance with the provisions of the RTI Act, 2005. Hence the said letter refusing to give information is set aside.

The Jt Director and SPIO of Handloom and Textiles has made a written submission which is entered into the case records. In his written submission, the SPIO has stated that vide their letter dtd 23.12.11 the petitioner was asked to deposit Rs. 4060.00 towards the cost of photocopies of the documents. He did not deposit the amount. However, since this request for depositing of cost after expiry of 30 days, the fault lies with the Directorate of Handloom and Textiles. Thereafter, the SPIO and Jt. Director requested the petitioner to appear at 11.00 AM on 27.2.12 for hearing before the first Appellate Authority i.e the Director, Handloom & Textiles. But the petitioner did not attend the hearing, instead he filed a complaint petition before the Commission.

The SPIO has stated that they have meanwhile made photocopies of the required documents after receiving the notice for hearing the complaint petition dtd 9.8.12. Although this is a fit case for remanding the latest prayer of the petitioner to the first Appellate authority which has been bypassed by the

petitioner. The Commissioner directs the SPIO and Jt. Director, H&T to furnish the information to the petitioner today itself since they have come with all the required documents numbering 2000 copies. Further, since the information has been provided after expiry of the prescribed time period, the commission directs the SPIO to provide the information free of cost.

The Commission however, directs the petitioner also to follow the formal procedure as provided in the RTI Act, 2005, without bypassing any intermediary authority before coming to the Commission.

With the above order, the second appeal petition is disposed of.

(H. S. Das)
Assam State Chief Information Commissioner,
Panjabari, Guwahati

Authenticated true copy.

Secretary & Registrar
Assam State Information Commission

Memo No.KP(M) 482/2011/

Dtd. 13.7.2015

Copy to:

1. The Joint Director & SPIO in the office of the Director of Handloom & Textiles, Assam, Guwahati-1 for information
2. Shri Nityananda Kalaita, Vill- Bhuktabari, PO- Sipajhar, Disit. Darrang, Assam for information.
3. Computer Section for uploading in the Website.
4. Office File.

Secretary & Registrar
Assam State Information Commission