



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

Case No. : BPT.73/2013  
 Complainant/ appellant : Sri Pankaj Kumar Kalita  
 Respondent : CDPO, Bhawanipur ICDS Project, Howly, Barpeta  
 Date of hearing : 28.9.2015  
 Complaint/ Second appeal heard by : Shri Pinuel Basumatary, IA&AS ( Retd)  
 State Information Commissioner, Assam

**O R D E R**  
28.9.2015

The Appellant/Applicant Sri Pankaj Kr. Kalita and the representative of the Public Authority namely Sri Kamaleswar Deka, SA, Bhawanipur ICDS project are present.

The Appellant submitted that he was yet to receive the information he had sought for in spite of the Commission's order dtd 24.9.13 in response to his second appeal.

The representative of the Public Authority submitted a written reply today from the CDPO, Bhowanipur ICDS Project, Howly dtd 24.9.2015 which stated that the information could not be provided to the applicant as the latter had not deposited the cost of photocopying amounting to Rs.2,29,882.00 communicated to him through their letter No. CDPO(BWP) 22/2006-07/268 dtd 23.8.13.

The Commission had disposed of the second appeal through its order dtd 24.9.13 mentioning that no action seemed to have been taken by the CDPO in spite of the submission of the first appeal to him on 25.7.13 and ordered to furnish the required information to the applicant free of cost within 20 days from the date of receipt of the order.

The Commission had also directed that a written statement be submitted to the Commission clarifying as to why penalty per Section 21 of the RTI Act, 2005 not be imposed on him for his failure to furnish the information within the stipulated period. Written statement was ordered to be submitted to the Commission within 30 days from the date of receipt of the order.

Perusal of the records indicate that CDPO, Bhawanipur ICDS Project has not complied with the order of the Commission in any way namely (1) he had not provided information to the applicant free of cost (2) he had not submitted the written statement regarding imposition of penalty, and (3) Submission of written statement relating to the compliance.

The Public Authority i.e. CDPO, Bhawanipur ICDS Project, Howly through his submission of the written reply to the Commission's notice for second hearing issued through letter No. SIC/BPT.73/2013/11 dtd 10.9.15 is not acceptable. Instead of providing the required information free of cost in terms of the provisions of the RTI Act, 2005 and the Commission's aforesaid specific orders, the CDPO, Bhawanipur ICDS Project has continued to present the alibi of not receiving the deposit towards the cost of photocopying from the applicant even after two years of the Commission's order.

In view of the above, the Commission issues the following orders:-

- (1) As directed by this Commission's order dtd 24.9.13, the CDPO, Bhawanipur ICDS Project will deliver the required information to the applicant at his

address the required information free of cost within 30 days from the date of receipt of this order.

- (2) The CDPO, Bhawanipur ICDS Project is directed to submit its written statement clarifying as to why penalty under the provisions of section 21 of the RTI Act, 2005 shall not be imposed on him for his failure to provide the information to the applicant within the stipulated period. His written statement shall be submitted to the Commission within 30 days from the date of receipt of this order, and
- (3) The Appellant will have the option of approaching the Commission, if he is not satisfied with the information received from the Public Authority.

Another hearing may be taken if satisfactory written reply as ordered above regarding imposition of penalty is not received from the CDPO, Bhawanipur ICDS project, Howly within the stipulated time and/ or if any appeal/complaint is received from the Appellant/Complainant regarding non-compliance by the Public Authority within the stipulated time.

Sd/-  
Pinuel Basumatary  
State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy.

Sd/-  
Secretary & Registrar  
Assam State Information Commission

Memo No. BPT.73/2013/

Dtd. 28.9.2015

Copy to:

1. The CDPO, Bhawanipur ICDS Project, Howly, Dist. Barpeta, Assam for information and necessary action.
2. Sri Pankaj Kr. Kalita, Vill- Tapa, PO- Sarutapa, Dist. Barpeta, Assam for information.
3. Computer Section for uploading in the Website.
4. Office File.

Secretary & Registrar  
Assam State Information Commission