



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

Case No. : HLK.06/2014

Complainant/ appellant : Md. Foriz Uddin Laskar

Respondent : BDO, South Hailakandi Development Block

Date of hearing : 14. 9.2015

Complaint/ Second : Shri Pinuel Basumatary, IA&AS ( Retd)  
appeal heard by : State Information Commissioner, Assam

**O R D E R**  
14.9.2015

The appellant/Complainant, Md. Foriz Uddin Laskar is present. The SPIO in the office of the BDO, South Hailakandi Dev. Block is absent without information. The case is heard ex parte.

The case records indicate as follows:-

The appellant filed an application on 23.10.013 under RTI Act, 2005 seeking certain information from the SPIO of the office of the BDO, South Hailakandi Dev. Block. Not receiving the information he had sought for, as submitted by him within the time limit prescribed by the said Act, the Appellant filed his First appeal Petition under the Act to the First Appellate Authority, who is the PD, DRDA, Hailakandi on 7.11.2013.

Through his letter dtd 22.1.14, the Appellant submitted that the First Appellate Authority did not take any action on his appeal, filed an appeal with the Commission as Second Appellate Authority under the RTI Act, 2005.

A hearing was fixed for 13.3.2015 at 11.00 AM by the Commission and the SPIO was informed through the Commission's letter No. HLK.06/2014/11 dtd 3.3.15 as to why penalty u/s 20(1) of the RTI Act, 2005 not be imposed on him for his failure to furnish the information to the Applicant within the stipulated period of 30 days. The SPIO was also directed to submit a written reply to the Commission before the start of the hearing. Further, he was informed that he would be given an opportunity of being heard in person before passing any order relating to the imposition of penalty per provision of the Act. A copy of the letter was endorsed to the Appellant/Complainant.

Both the SPIO being the Public Authority and the Appellant were absent from the hearing on 13.3.15 without any information or without leave of absence. In view of this that the Commission passed an order to close the case.

Through his letter received in the Commission on 10.8.2015, Appellant prayed for consideration of his appeal on the ground that the said notice of the Commission relating to the hearing on 13.3.2015 was received by him on the day next to the day of hearing, namely on 14.3.2015, and was therefore unable to be present at the hearing.

Considering the plea of Appellant, the Commission fixed another date of hearing on 14.9.2015, that is, today and issued notice to the SPIO and Appellant through its letter No. HLK.06/2014/14 dtd 14.8.15. Hence today's hearing.

The Commission is not in the receipt of any written reply to its Communications No. HLK.06/2014/11 dtd 3.3.2015, the order dtd 13.3.15 and letter No.

HLK.06/2014/ 14 dtd 14.8.15. This and the absence of the Public Authority in the hearings held on 13.3.15 and today betray indifference and disregard to the provisions of the RTI Act, 2005 unless evidence to the contrary could be provided to the Commission.

The Appellant, deposing before the Commission today, submitted that he had neither received the information he had sought from the SPIO nor any reply to his First Appeal.

In view of the facts and circumstances narrated above, the Commission hereby passes the following order:-

- I. BDO, South Hailakandi Dev. Block being the First Appellate Authority will dispose of the First Appeal submitted by the Appellant, if already not done, within 21 days from the date of receipt of this order and send a copy of the order so passed to the Commission. If the First Appeal has already been disposed of, a copy of the order of the First Appellate Authority may be sent to the Commission.
- II. Should the appellant be not satisfied with the order of the First Appellate Authority, he is free to approach the Commission under the RTI Act, 2005 in which event another date for hearing will be fixed in due Course.

A final order will be passed on receipt of report of compliance of the above order or another hearing if it is so warranted.

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

Authenticated true copy.

Sd/-  
Secretary & Registrar  
Assam State Information Commission

Memo No. HLK.06/2014/

Dtd. 14.9.2015

Copy to:

1. The Block Development Officer, South hailakandi Dev. Block, Dist. Hailakandi, Assam for information and necessary action.
2. Md. Foriz Uddin Iascar, Vill- Kanchanpur-II, PO- Kanchanpur, dist. Hailakandi, Assam, PIN- 788152 for information.
3. Computer Section for uploading in the Website.
4. Office File.

Secretary & Registrar  
Assam State Information Commission