



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

Case No. : KP(M).560/2013  
 Complainant/ appellant : Shri Bhagwati Prasad Siotia  
 Respondent : Guwahati Metropolitan Dev. Authority, Guwahati  
 Date of hearing : 06.10.2015  
 Complaint/ Second appeal heard by : Shri Pinuel Basumatary, IA&AS ( Retd)  
 State Information Commissioner, Assam

**O R D E R**  
06.10.2015

The SPIO namely Secretary, GMDA is not present. However, he has submitted a written reply on the Appeal matter through his letter No. GMDA/RTI/2009/116/25 dtd 5.10.15.

The Appellant Shri Bhagwati Prasad Siotia is present along with Shri Robin Siotia to assist him.

Perused the said written reply submitted by the Public Authority. It is stated therein that the NOC in question has been provided to the Applicant through their letter No. GMDA/RTI2009/116/48 dtd 11.6.13 and that the related land documents could not be furnished owing to Third Party objection.

Perused also the order dtd 10.7.2013 by the First Appellate Authority rejecting the First Appeal petition on the ground of Third Party objection to providing the land documents. The First Appellate Authority had, however, allowed the petitioner to inspect the said documents.

Deposing before the Commission, the Appellant Shri Bhagwati Prasad Siotia submitted that the land documents in question could not be considered as Third Party information for the following reasons:-

- (i) In the application made u/s 28,29 and 32 of GMDA Act for obtaining No Objection on 18/3/2000, he was one of the purchasers being a representative as a Director of M/S Siotia Multi Products Pvt. Ltd and this fact is indicated in para 9 of the said application made by his father Lt. Radhakrishna Siotia, Director, M/S Radhakrishna Deendayal Pvt Ltd.
- (ii) The NOC dtd 23.3.01 issued by the GMDA was in favour of him as well as the others as the same indicates him (Shri Bhagwati Prasad Siotia) as one of the parties for the purchase of the land.
- (iii) He (Shri B.P. Siotia) was an interested party in the said application that culminated in the grant of right to him along with the others named in the document for the purpose of sale of the land involved in the NOC.
- (iv) Under the circumstances, the other parties involved in the NOC have no locus standi to raise any objection to make the related document available to him (Shri B.P.Siotia).

- (v) He also submitted that the application for NOC from the GMDA for transfer of land was accompanied by four documents listed in the application form, namely (i) trace map of the land, (ii) the permission from the Deputy Commissioner, (iii) proof of ownership of the land, and (vi) An affidavit regarding roads and that he was now not in possession of these documents or their copies.

The Appellant clarified that a mere inspection of the documents did not satisfy his need and prayed for these four documents to be provided to him by the GMDA.

After careful consideration of the written reply submitted by the Public Authority, the application for information made by the Appellant, the Appeal to the First Appellate Authority, the order of the First Appellate Authority, and the Second Appeal preferred to the Commission, the Commission comes to the conclusion that he is himself a part of the so called Third Party and that, therefore, the remaining documents sought for by the Appellant could not be treated as confidential and Third Party information. In fact the order of the First Appellate Authority has the effect of giving access to the Appellant to the said document through the facility of inspection.

In view of the above, the SPIO of the Public Authority, GMDA is hereby directed to make photocopies of the said four documents available to the Appellant Shri Bhagwati Prasad Siotia free of cost within a period of 21 days from the date of receipt of this order.

With this the Second Appeal made by Shri Bhagwati Prasad Siotia is disposed of.

Pinuel Basumatary  
State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy.

Secretary & Registrar  
Assam State Information Commission

Memo No. KP(M). 560/2013/

Dtd. 06.10.2015

Copy to:

1. The SPIO in the office of the Guwahati Metropolitan Development Authority, Bhangagarh, Guwahati-781 005 for information and necessary action.
2. Sri Bhagwati Prasad Siotia, 29, Radha Bazar ( Third Floor), S.R.C.B. Road, Fancy Bazar, Guwahati- 781 001 for information.
3. Computer Section for uploading in the Website.
4. Office File.

Secretary & Registrar  
Assam State Information Commission