



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

Case No. : KP(M) 663/2013

Complainant/ appellant : -Smt. Asoomee Dutta Baruah

Respondent : Guwahati Municipal Corporation, Guwahati.

Date of hearing : 12.10.2015

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

O R D E R
12.10.2015

SPIO was represented by (1) Sri Udayaditya Gogoi, PIO & Collector, GMC, (2) Sri Deepak Kr. Das, Associate Planner, GMC & Deemed SPIO, and (3) Sri P. Rajesh Singh, Assistant to SPIO, GMC.

Smt. Asoomee Dutta Baruah, Appellant was present accompanied by Sri M.K. Sarma to assist her.

Heard both the parties and perused the written reply submitted by PIO, who is Collector, GMC, Guwahati through his letter No. GMC/RTI/FAA/41/2013/8447 dtd 09.10.15. In his written reply the PIO has submitted that while the Application for information had been received on 17.7.13, the information was provided to Applicant through letter No. GMC/RTI/01/06-07/pt-III/4964 dtd 17.8.2013 after obtaining the information from the concerned Associate Planner, GMC. He has enclosed a copy each of the said letter dtd 17.8.13 and its enclosures namely the information received from the Associate Planner, GMC. Regarding the delivery of the said letter of information PIO added that it actually happened on 20.8.13, on account of misplacement of the same and has tendered an apology for the unintended delay in providing the requisite information to Appellant.

Appellant submitted that she was not satisfied with the information provided to her stating that the information merely mentioned the formal actions taken as a part of the process of the corporation and that final action would be initiated as per GMC Act, 1971 on completion of the process. Appellant submitted that she was not satisfied with the order of First Appellate Authority on the ground that the same (the order) was in general terms and did not address the specific issue of supply of information to her under the RTI Act. She also added that the order was not factual in stating that the necessary information related to GMC as sought for by Petitioner has been provided.

Appellant further submitted that as long period of two years have elapsed in the mean time, she requires updated information on the actions GMC might have taken during this period based on the process mentioned in GMC's said letter dtd 17.8.13.

PIO personally submitted that further action on the matter raised by the RTI Applicant is pending a decision at the level of decision making authorities.

After a careful consideration of the facts and circumstances submitted by Appellant and PIO as stated in the foregoing paras, Commission reverts the case to First Appellate Authority, namely Commissioner, GMC to hear the case again and pass a speaking order after determining the latest position relating to the information sought by Appellant and cause the same (information) be provided to the Appellant within a period of 15 (fifteen) days from the date of receipt of this order.

A copy of the Second Appeal submitted by Appellant dated 08.10.2013 is enclosed with this order.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam State Information Commission

Memo No. KP(M).663/2013/

Dtd. 12.10.2015

Copy to:

1. The Commissioner & First Appellate Authority, GMC, Panbazar, Guwahati-781 001 for information and necessary action.
2. The SPIO in the office of the Guwahati Municipal Corporation, Guwahati-1 for information and necessary action.
3. Smt. Asoomee Dutta Baruah, 1st Floor, Mahabharata Karyalaya, College Hostel Road, Panbazar, Guwahati- 781 001 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Secretary & Registrar
Assam State Information Commission