



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

Case No. : NGN.69/2013  
Complainant/ Appellant : Sri Khargeswar Baruah  
Respondent : The Block Development Officer, Laokhowa Dev. Block, Nagaon  
Date of hearing : 03.12.2015  
Complaint/ Second : Shri Pinuel Basumatary, IA&AS ( Retd)  
Appeal heard by : State Information Commissioner, Assam

**O R D E R**  
03.12.2015

The SPIO in the Office of the Block Development Officer is absent without any information.

The Appellant Sri Khargeswar Baruah is present.

A perusal of the case records indicate the following significant dates:

30.11.2012 Filing of the RTI application before B.D.O., Laokhowa, Nagaon.  
07.03.2013 First Appeal filed by the Applicant before P.D., DRDA, Nagaon.  
06.07.2013 Issue notice for First Appeal hearing.  
18.07.2013 Order passed by FAA.  
24.08.2013 Complaint by Appellant.  
19.09.2013 Second Appeal filed before the Commission.

The SPIO has not submitted written statement although directed to do so by the Commission through the hearing notice dated 21/11/2015.

The Appellant has submitted that he was yet to receive the information he had sought for and added that order inspite of the order of P.D., DRDA, Nagaon as the First Appellate Authority dated 18/7/2013 directing the B.D.O., Laokhowa Dev. Block to provide the information within 26/7/2013.

It is evident from the facts mentioned above that the SPIO has failed to provide the information to the RTI Applicant not only within 30 days of receipt of the Application but also within the time specified by the FAA. The PIO has also failed to submit the explanation to the Commission within the date of hearing as directed through the aforementioned hearing notice as to why penalty will not be imposed on him Under Section 20 (1) of the RTI Act, 2005 for his/her failure to furnish the information to the Applicant within the stipulated period of 30 days.

After a careful consideration, the Commission hereby orders that the SPIO will furnish the information sought for by the Applicant free of cost within 10 days of receipt of this order and submit an explanation before the Commission within 15 days of receipt of this order as to why penalty will not be imposed on him Under Section 20 (1) of the RTI Act, 2005 for his/her failure to furnish the information to the Applicant within the stipulated period of 30 days.

The Commission also orders that the PD, DRDA, Nagaon will consider the First Appeal

Petition of Sri Khargeswar Baruah once again within 21 days of receipt of this order so as to ensure compliance of the relevant provisions of RTI Act, 2005 by the SPIO in the Office of the B.D.O., Laokhowa Development Block.

Sd/-

Pinuel Basumatary  
State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar  
Assam State Information Commission

Memo No. NGN.69/2013 -A

Dtd. 03.12.2015

Copy to:

1. The B.D.O, Laokhowa Development Block, Nagaon (Assam) Pin- 782125 for information and necessary action.
2. The Project Director, DRDA, Nagaon, PO- Nagaon, Pin- 782001, Dist- Nagaon (Assam) for information and necessary action.
3. Sri. Khargeswar Baruah, S/o- Late Loknath Baruah, Vill- Rupahi Town, P.O.- Rupahi, Dist- Nagaon, Pin- 782125 (Assam) for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar  
Assam State Information Commission