

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

Case No. : KP (M).519/2013
Complainant/ Appellant : Smt Kusum Devi
Respondent : Guwahati Municipal Corporation, Panbazar, Guwahati
Date of hearing : 08.12.2015
Complaint/ Second : Shri H.S Das, IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R
08.12.2015

The petitioner Smt. Kusum Devi is absent without information.

The public authority is represented by 1) Narayan Prasad Sarmah, Zonal Engineer, i/c Assistant Planner, 2) Archana Konwar, Zonal Engineer, 3) Udayaditya Gogoi, Collector and PIO, GMC, and 4) P. Rajesh Singh, Attached to PIO, GMC.

The Second Appeal Petition dated 29.07.2013 is taken up for consideration ex-parte in the absence of the petitioner.

The Collector and PIO of GMC has made a written submission dated 07.12.2015 which is entered into the case records. In his written submission, the PIO has narrated the sequence of actions taken by GMC to furnish the required information to the petitioner.

It is seen from the case records that vide her RTI petition dated 01.08.2012 (in Hindi), the petitioner wanted information about the areas of land with length and breadth on which building permission was given, with the date of permission, copy of building permission and copy of the site plan of the building. In the RTI petition she mentioned the Patta no. and Dag no. (old and new) along with the Holding no. and Ward no. (old and new) along with the names of the owners of the buildings. The petitioner did not file any other information. Vide letter dated 01.09.2012, the PIO of GMC informed the petitioner that no records could be found for the period 01.01.2002 to 31.07.2012 relating to the information sought for by the petitioner.

Thereafter, the petitioner filed the First Appeal Petition before the GMC Commissioner on 27.09.2012. This was heard by the First Appellate Authority and the Commissioner, GMC on 29.10.2012 and passed an order directing the Associate Planner i/c of GMC to search the records for 10 more years i.e. from 1992 to 2001. The search result was communicated by the PIO of GMC to the petitioner vide letter dated 21.11.2012 stating that the records of building permission in the names of Sri. Dinabandhu Roy and Smt. Premrata Devi were searched for the period of 1998 to 31.07.2012 but the required information could not be found. The petitioner was also informed that no records prior to 1998 are available.

Not satisfied with the reply, the petitioner filed Second Appeal Petition before this Commission on dated 29.07.2013.

This Commission took notes on the deposition of the PIO of GMC that till 2014 both GMC and GMDA used to give building permissions. However, from March, 2014 GMDA can give only the planning permission for construction of buildings. The final building permission is given only by GMC. So, it is possible that the sought for information may be available with GMDA, if the same could not be traced out in GMDA records. Hence, at this stage there seems to be two options- (i) The RTI application may be transferred by GMC to GMDA or (ii) GMC in exercising of its statutory powers can seek for the building permission records from Sri Dinabandhu Roy and Smt. Premrata Devi, ascertaining the relevant information and furnishing the same to the petitioner.

Since the matter is already been delayed by more than 3 years, the Commission goes for the second option and directs GMC to obtain the information from Sri Dinabandhu Roy and

Smt. Premrata Devi with reference to Holding nos. mentioned in the RTI Application by the petitioner and furnish the same to the petitioner within 45 days from the date of receipt of this order subject to compliance with: - (i) The provisions of Section 11 of the RTI Act, if any Third Party information is involved and (ii) Section 8 (1) (j) of the RTI Act, so that there is no undue intrusion into the privacy of the Third Parties.

With the above order, the Second Appeal Petition is disposed of.

Sd/-
(H.S Das)
Assam State Chief Information Commissioner,
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam State Information Commission

Memo No. KP (M).519/2013-A

Dtd. 08.12.2015

Copy to:

1. The PIO in the office of the Guwahati Municipal Corporation, Panbazar, Guwahati for information and necessary action.
2. Smt Kusum Devi, C/o Unique Arts, Ahmed Building, H.B. road, Fancy Bazar, Guwahati – 01, (Assam)for information and necessary action.
3. Computer Section for uploading in the Website.
4. Office File.

Secretary & Registrar
Assam State Information Commission