

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

Case No. : CCR.174/2012
Complainant/ Appellant : Sri Mansoor Hassan Barbhuiya
Respondent : SPIO, O/o the District Fishery Development Officer, Cachar
Date of hearing : 17.12.2015
Complaint/ Second Appeal Heard by : Shri Pinuel Basumatary, IA&AS (Retd), State Information Commissioner, Assam

O R D E R
17.12.2015

Both the parties absent.

However, written statement received from the District Fishery Development Officer, Cachar, Silchar on dated 11.12.2015.

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

11.06.2012	RTI Application filed with the SPIO, District Fishery Development Officer, Cachar.
17.06.2012	Information furnished to the Petitioner
22.06.2012	First Appeal filed with the Commissioner and Secretary, Department of Fishery, Dispur, Guwahati
08.08.2012	Second Appeal filed before the Commission.

A perusal of the case record shows that the District Fishery Development Officer, Cachar provided the information to the Petitioner through his letter dated 17.06.2012, that is, well within the time stipulated by the RTI Act, 2005. This position is re-affirmed by the District Fishery Development Officer, Cachar in his W/S.

However, in his Second Appeal, the Petitioner/ Appellant has not acknowledged the receipt of the information and stated he was constrained to file his First Appeal by being disappointed with the lack of action on the part of the SPIO, i.e. District Fishery Development Officer, Cachar. The Petitioner has also stated that an amount of Rs. 2500/- had been demanded from him without any statements or calculations.

The W/S of the SPIO has not made any mention of demand for any cost of photocopying etc. from the Petitioner.

In the absence of the Petitioner in the hearing or any W/S, the Commission is not in a position to reconcile the differences in the positions stated by the Appellant in his First Appeal and the SPIO in his W/S.

The Commission has not received any evidence of the First Appeal filed by the Petitioner having being disposed of by the First Appellate Authority (FAA). Although, the Appellant had filed his First Appeal with the Commissioner and Secretary, Department of Fishery, Govt. of Assam, Dispur, the District Fishery Development Officer, Cachar may consider and dispose of the First Appeal dated 22.06.2012 filed by the Appellant as FAA by holding hearing of the SPIO and the Petitioner/Appellant, as appropriate within a period of 21 days from the date of receipt of this order.

Enclosed a copy of the First Appeal with the copy of this order endorsed to District Fishery Development Officer, Cachar.

Sd/-

**Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati**

Authenticated true copy.

Sd/-
**Secretary & Registrar
Assam State Information Commission**

Copy to:

1. The First Appellate Authority/ District Fishery Development Officer, Cachar, Silchar Pin- 788001 for information and necessary action.
2. The SPIO in the office of the District Fishery Development Officer, Cachar, Silchar Pin- 788001 for information.
3. Sri. Mansoor Hassan Barbhuiya, C/o Mr. Matahir Ali Barbhuyan, IAS (Retd), VIP Road, NH-53, rongpur, Part- IV, Silchar, Cachar, Assam, Pin- 788009 for information.
4. The Commissioner and Secretary, Department of Fishery, Govt of Assam, Dispur, Guwahati- 781006, Assam for reference to the First Appeal dated 20.06.2012 submitted by the Petitioner Sri Mansoor Hasan Barbhuiya.
5. Computer Section for uploading in the Website.
6. Office File.

Secretary & Registrar
Assam State Information Commission