



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

Case No. : MRN.5/2013
Complainant/ Appellant : Sri Dhrubajyoti Dutta
Respondent : SPIO, District Transport Officer/R.T.A (R & L), Morigaon
Date of hearing : 16.12.2015
Complaint/ Second Appeal heard by : Shri Pinuel Basumatary, IA&AS (Retd), State Information Commissioner, Assam

O R D E R
16.12.2015

Both the SPIO and the Appellant absent.

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

07.01.2013 RTI Application filed with the SPIO, District Transport Officer/R.T.A (R & L), Morigaon
16.07.2013 First Appeal filed with the District Transport Officer, Morigaon
29.04.2013 Second Appeal filed before the Commission.

In the absence of the parties in the hearing and written statement from them, the latest position could not be ascertained.

Further, the SPIO has also not submitted an explanation as to why penalty will not be imposed on him/her Under Section 20 (1) of the RTI Act, 2005 for his/her failure to furnish the information to the Appellant within the stipulated period of 30 days.

The District Transport Officer as the First Appellate Authority (FAA) has not apprised the Commission, as directed through its hearing notice dated 30.11.2015 about the steps he might have taken to dispose of the First Appeal in time either by a written submission or by deputing his authorized representatives to the hearing.

In view of the aforementioned facts, the Commission concludes that there is no evidence of the SPIO and the FAA of having taken any action to comply with the relevant provisions of the RTI Act, 2005.

The Commission, therefore, hereby orders that the SPIO, office of the District Transport Officer/ R.T.A (R&L), Morigaon will furnish the information sought for by the Applicant/Appellant, if not already furnished, free of cost within a period of 10 days from the date of receipt of this order and submit an explanation within a period of 15 days from the date of receipt of this order before the Commission as to why penalty shall not be imposed on him/her Under Section 20 (1) of the RTI Act, 2005 for his/her failure to furnish the information to the Appellant within the stipulated period of 30 days.

The District Transport Officer, Morigaon as FAA will consider and dispose of the First Appeal with a speaking order within a period of 21 days from the date of receipt of this order.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam State Information Commission

Copy to:

1. The SPIO in the office of the District Transport Officer/R.T.A (R & L) Assam, Pin-782105 for information and necessary action.
2. The District Transport Officer, Morigaon and First Appellate Authority, Dist- Morigaon, Pin-782105 for information and necessary action.
3. Sri Dhruva Jyoti Dutta, C/o C.R. Patowary, H. No. 1, By lane No. 06, Bishnu Rava Nagar, Noonmati, Guwahati- 20, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Secretary & Registrar
Assam State Information Commission