



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

Case No. : MRN.16/2013
Complainant/ Appellant : Sri Dulal Bora
Respondent : SPIO, Election Officer, O/o the Deputy Commissioner,
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:

30.03.2013 RTI Application filed with the SPIO, Election Officer, Morigaon .
25.06.2013 First Appeal filed with the Deputy Commissioner, Morigaon
04.09.2013 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.

The concerned SPIO in the office of the Deputy Commissioner, Morigaon 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 Deputy Commissioner, Morigaon 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/ Election Officer, Morigaon will furnish, if not already furnished, the information sought for by the Applicant/Appellant 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 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 FAA in the office of the Deputy Commissioner, Morigaon 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/ Election Officer in the office of the Deputy Commissioner, Morigaon, PO/ Dist- Morigaon, Assam, Pin-782105 for information and necessary action.
2. The First Appellate Authority in the office of Deputy Commissioner, Morigaon, PO/Dist- Morigaon, Pin-782105 for information and necessary action.
3. Sri Dulal Bora, Kainadhara Tiniali, House no- 118, Khanapara, Guwahati- 22 , Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Secretary & Registrar
Assam State Information Commission