



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

Case No. : CCR.216/2012  
Complainant/ Appellant : Md. Mansoor Hassan Barbhuyan.  
Respondent : The SPIO, O/o the B.D.O., Baskandi  
Development Block, Baskandi  
Date of hearing : 06.01.2016  
Complaint/ Second Appeal heard by : Shri Pinuel Basumatary, IA&AS ( Retd),  
State Information Commissioner, Assam

**O R D E R**  
06.01.2016

Both the SPIO and Appellant absent without any information.

A perusal of the case records indicates the following sequence of significant dates:

21.06.2012 RTI Application filed with the SPIO, O/o the B.D.O., Baskandi  
Development Block, Cachar  
27.07.2012 First Appeal filed with O/o the Chief Executive Officer, Cachar,  
Zilla Parishad.  
04.08.2012 Direction was given to furnish information from the First Appellate  
Authority  
14.09.2012 Second Appeal filed before the Commission.

Perusal of the case records indicate that no information has been provided by the SPIO/BDO, Baskandi Development Block, Cachar in response to the instant RTI Application.

In response to the First Appeal dated 27.07.2012 filed by the Petitioner to CEO, Cachar Zilla Parishad issued a direction to the said BDO through a letter no. CZPG (RTI).356/Pt-III/2006-07 dated 04.08.2012 to furnish the information directly to the Applicant within 7 days from the date of receipt of the letter. No evidence has been received in the Commission of the SPIO having taken any steps to provide the information sought for under the RTI Act, 2005 in over 3 years and a half of filing of the Application.

No W/S has been received from the SPIO which was sought for by the hearing notice of the Commission dated 15<sup>th</sup> December, 2015. The SPIO has also not submitted any explanation 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 Applicant within the stipulated period of 30 days.

After careful consideration of the facts as brought out above, the Commission hereby orders that the SPIO/BDO, Baskandi Development Block, should all the information sought for by the Appellant be not feasible to be provided, the position may be explained in writing to the Appellant/ Applicant along with the information that can be provided.

Further, it is ordered that the SPIO shall submit a written explanation to the Commission within a period of 15 days of receipt of this order 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 Applicant within the stipulated period of 30 days.

As the SPIO/ BDO, Baskandi Development Block did not comply with the directions of the CEO, Cachar Zilla Parishad to provide the information within 7 days of the aforementioned letter dated 04.08.2012, the Commission also hereby orders that the CEO, Cachar Zilla parishad shall consider and dispose of once again the First Appeal dated 27.07.2012, with a speaking order, within a period of 21 days of receipt of this order.

The Second Appeal Petition is hereby disposed of.

Pinuel Basumatary  
State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy.

Secretary & Registrar  
Assam State Information Commission

Memo No.CCR.216 /2012 -A

Dtd. 06.01.2016

Copy to:

1. The SPIO, office of the Block Development Officer, Baskandi Development Block, Baskandi, Dist- Cachar, Assam, Pin- 788101 for information and necessary action.
2. The First Appellate Authority/ Chief Executive Officer, Cachar Zilla Parishad, Dist- Silchar, Assam, Pin- 788001 for information and necessary action
3. Md. Mansoor Hassan Barbhuiya , C/o M.A. Barbhuiya (IAS, Retd) VIP Road, NH 53, Rongpur, Part- IV, Silchar, Dist- Cachar, Assam, Pin- 788009 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Secretary & Registrar  
Assam State Information Commission