



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

Case No. : SIC/HLK.16/2015
Appellant : Md. Imran Hussain Laskar
Respondent : The SPIO/Secretary, M/S Mahamadpur Nizvernerpur G.P. S.S Ltd., Hailakandi
Date of hearing : 28.01.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
28.01.2016

The Appellant present.

The SPIO absent. However, a W.T. message has been received apparently from the Assistant Director, F.C.S. & C.A., Hailakandi directing the Secretary, Mohamadpur Nizvernerpur G.P.S.S. Ltd. to remain present in today's hearing and at the same time requesting the Commission to fix another date of hearing on account of his preoccupation with official work.

Considering that the Appellant is present in accordance with the hearing notice issued by the Commission, it was decided to go ahead with the hearing.

The Appellant submitted that he had not received the information he had sought for through his RTI Application dated 19.11.2013. He further submitted that he had received a letter dated 7.12.2013 from the Secretary of the aforementioned G.P.S.S. requesting him to verify the relevant cash memos and to bear the cost of photocopying. The Appellant added that he received no response from the said G.P.S.S. to his query about the amount of the cost of photocopying.

Records indicate that the Assistant Director, F.C.S. & C.A., Hailakandi had appointed two dates for hearing the First Appeal, namely 16.01.2014 and 20.03.2014. The Appellant submitted that the hearing was not heard because of the absence of the Secretary of the said G.P.S.S.

In view of the facts brought out above, it appears that the Secretary, Mahamadpur Nirvernerpur G.P.S.S Ltd, Hailakandi has failed to deal with the said RTI Application so as to provide the information sought for by the Applicant. He has also failed to provide any written report to the Commission and to explain 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 mandated by the said Act, as requested through the Commission's hearing notice dated 8th January, 2016.

The Commission hereby orders that the SPIO shall furnish the information as sought for by the Appellant, free of cost, within a period of 10 days from the date of receipt of this order.

It is also ordered that the SPIO/Secretary, M/S Mahamadpur Nizvernerpur G.P. S.S Ltd. shall submit a written explanation to the Commission, within 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.

Further, the Commission has not received any evidence of the First Appellate Authority (FAA)/Assistant Director, Food, Civil Supplies and Consumer Affairs, Hailakandi having disposed of the First Appeal dated 07.01.2014 as required by the Act. The Commission, therefore, orders that the FAA shall consider and dispose of the said First Appeal, with a speaking order, within a period of 21 days of receipt of this order.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Secretary & Registrar
Assam State Information Commission

Memo No. SIC/HLK.16/2015 -A

Dtd. 28.01.2016

Copy to:

1. The PIO/Secretary, the M/S Mohamadpur Nizvernerpur G.P.S.S Ltd., Hailakandi, PO- Hailakandi, Dist- Hailakandi, Assam, Pin- 788163 for information and necessary action.
2. The First Appellate Authority/Assistant Director, Food, Civil Supplies and Consumer Affairs, Hailakandi, PO- Hailakandi, Dist- Hailakandi, Assam for information and necessary action.
3. Md. Imran Husain Laskar, S/o Abdul Matin Laskar, Vill- Boalipar, Part-II, PO- Boalipar Bazaar, Dist- Hailakandi, Assam, Pin- 788155 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Secretary & Registrar
Assam State Information Commission