



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

Case No. : SIC/CCR.59/2013
Appellant : Md. Mansoor Hassan Barbhuyan.
Respondent : The SPIO, Office of the Silchar Municipal Board,
Silchar, Cachar.
Date of hearing : 23.02.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
23.02.2016

Neither party present.

The SPIO has not submitted any Written Statement on the status of furnishing of information which was sought for by the Commission through its hearing notice dated 01.02.2016. 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.

The Appellant has not sent any communication as to whether he has received the information subsequent to his filling of Second Appeal dated 20.07.2013.

The Appellant had filed the Second Appeal being aggrieved by the failure of the SPIO, office of the Silchar Municipal Board to furnish the information he had sought for and failure also of the First Appellate Authority (FAA)/D.C., Cachar to fulfill its responsibility to enable to RTI Applicant/Appellant to receive the information that he had sought for.

Perused the case records. It is seen that, unless the information had been provided subsequent to filling of the Second Appeal, there has been much delay on the part of the SPIO to fulfill its responsibility under the RTI Act, 2005 to provide information sought for within a specified period. It is also seen that the delay has been inordinate given the fact that the RTI Application was made on 22.04.2013 and First Appeal on 01.06.2013. In view of this delay, the Commission decided to go ahead with today's hearing *ex parte* in the interest of the Appellant in accordance with the said Act.

There is no evidence of the FAA having disposed of the said First Appeal in accordance with the said Act.

In view of the facts stated above and keeping in view the request of the Public Authority for time, the Commission hereby orders the following –

1. The SPIO shall furnish the information as sought for by the Applicant/Appellant, free of cost, within a period of 10 days of receipt of this order,
2. The SPIO shall submit a written explanation to this 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, and
3. The First Appellate Authority/D.C., Cachar shall consider and dispose of the First Appeal dated 01.06.2013, with a speaking order, within a period of 21 days of receipt of this order.

The Appellant/Applicant shall be at liberty to submit a Complaint of non-compliance in case he is not satisfied with the action taken in accordance with this order.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar
Assam State Information Commission

Memo No. SIC/CCR.59/2013/ -A

Dtd. 23.02.2016

Copy to:

1. The SPIO, Office of the Silchar Municipal Board, Silchar, Cachar, Dist- Cachar, Assam, Pin-788001 for information and necessary action.
2. The First Appellate Authority/Deputy Commissioner, Cachar, Dist- Cachar, Assam, Pin-788001 for information and necessary action.
3. Md. Mansoor Hassan Barbhuyan, C/o- M. A. Barbhuyan (IAS, Retd.), Rongpur Part-IV, VIP Road, NH- 53, Silchar, Dist- Cachar, Assam, Pin-788009 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar
Assam State Information Commission