

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

Case No. : SIC/CCR.39/2013  
Appellant : Md. Muzibur Rahman Barbhuiya  
Respondent : The SPIO, O/o the Block Development Officer, Borkhola  
Development Block, Cachar.  
Date of hearing : 17.02.2016  
Second Appeal heard by : Shri Pinuel Basumatary,  
State Information Commissioner, Assam

**O R D E R**  
17.02.2016

Neither party present. No Written Statement has been received from the SPIO.

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

- 30.11.12 RTI Application filed with SPIO, Office of the BDO, Borkhola  
Development Block, Cachar  
09.01.13 First Appeal filed with the PD, DRDA, Cachar  
21.03.13 Second Appeal filed before the Commission.

The SPIO, office of the BDO, Borkhola Development Block 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 04.02.2016. 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 First Appellate Authority (FAA)/PD, DRDA, Cachar has not apprised the Commission about the steps he had taken to dispose of the First Appeal either by a Written Submission/or by deputing his authorized representative to the hearing which he was directed to do through the said hearing notice of the Commission.

The Appellant has not updated the Commission as to whether he has received the information he had sought for.

In view of the facts brought out above, the Commission hereby orders the following –

1. The SPIO shall furnish the information sought for by the RTI Applicant/Appellant, free of cost, within a period of 10 days of receipt of this order. If any part of the information cannot be provided owing to non-availability or otherwise, the position should be explained to the Appellant/Applicant in writing.
2. The SPIO shall submit an 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.
3. The FAA shall hear the First Appeal dated 09.01.2013 submitted by the Appellant and pass an appropriate speaking order in compliance with the relevant provisions of the RTI Act, 2005, within a period of 21 days of receipt of this order.

Sd/-

Pinuel Basumatary  
State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Dy. Secretary & Dy. Registrar  
Assam State Information Commission

Copy to:

1. The SPIO, Office of the Block Development Officer, Borkhola Development Block, P.O.- Borkhola, Dist- Cachar, Assam, Pin- 788110 for information and necessary action.
2. The First Appellate Authority/Project Director, District Rural Development Agency, Cachar District, P.O.- Silchar, Dist- Cachar, Assam, Pin- 788001 for information and necessary action.
3. Md. Muzibur Rahman Barbhuiyan, Advovate, District Bar Association, P.O.- Silchar, Dist- Cachar, Assam, Pin- 788001 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Dy. Secretary & Dy. Registrar  
Assam State Information Commission