

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

Case No. : SIC/CCR.76/2013
Appellant : Md. Jahir Uddin Tapadar
Respondent : The SPIO, O/o the Chief Executive Officer, Cachar Zilla Parishad, 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 received.

A perusal of the case records indicate that the Appellant had submitted the Second Appeal Petition before the Commission dated 16.09.2013 appealing against furnishing of incomplete information by the SPIO and non-disposal of the First Appeal dated 29.06.2013 which he had submitted before the Commissioner and Secretary, P & RD, Govt. of Assam, Guwahati. This Commission had issued the notice of today's hearing to the CEO, Cachar Zilla Parishad, Cachar as First Appellate Authority (FAA) considering the fact that the said First Appeal had been transferred by the SPIO, P & RD, Assam, to that authority, i.e. CEO, Cachar Zilla Parishad, Cachar.

The FAA/CEO, Cachar Zilla Parishad, Cachar has not apprised the Commission about the steps he had taken to dispose of the First Appeal dated 29.06.2013 either by a Written Submission/or by deputing his authorized representative to the hearing which he was directed to do through the hearing notice of the Commission dated 04.02.2016.

The SPIO has not only not made a Written Submission regarding the actual date of receipt of the RTI Application and furnishing of the information but also has not explained 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, which was asked for by the Commission through its hearing notice.

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 already not furnished.
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/CEO, Cachar Zilla Parishad, Cachar shall consider and dispose of the aforementioned First Appeal submitted by the Appellant, 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/-

Dy. Secretary & Dy. Registrar
Assam State Information Commission

Copy to:

1. The SPIO, Office of the Chief Executive Officer, Cachar Zilla Parishad, PO- Silchar, Dist- Cachar, Assam, Pin- 788001 for information and necessary action.
2. The First Appellate Authority/Chief Executive Officer, Cachar Zilla Parishad, PO- Silchar, Dist-Cachar, Assam, Pin- 788001 for information and necessary action.
3. Md. Jahir Uddin Tapadar, Vill- Natanpur, PO- Kalain, Dist- Cachar, Assm, Pin- 788815 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Dy. Secretary & Dy. Registrar
Assam State Information Commission