



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

Case No. : SIC/CCR.65/2013
Appellant : Sri. Indrajit Dutta Choudhury
Respondent : The SPIO, O/o the Silchar Municipal Board,
Silchar, Cachar
Date of hearing : 26.02.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
26.02.2016

The SPIO absent. However, a Written Statement dated 25.02.2016 received.

The SPIO, Directorate of Municipal Administration, Assam which authority was notified by the Commission on today's hearing as First Appellate Authority (FAA) is present.

The Appellant is absent. However, a Written Statement dated 19.02.2016 received.

Perused the case records. It is seen that the Appellant had submitted his Second Appeal dated 16.08.2013 being aggrieved at not receiving the information he had sought for from Silchar Municipal Board through his RTI Application dated 07.05.2013. It has also been submitted that he received no response from the FAA in respect of his First Appeal dated 15.07.2013 (18.07.2013). It is seen that the Appellant had submitted his First Appeal to the Director, Municipal Administration, Assam.

Perused the aforementioned W/S submitted by Chairman, Silchar Municipal Board. It has been submitted that the records relating to the instant RTI Application could not be traced adding that the new Board had taken charge on 02.04.2015 and the office had moved to another building. It has been requested that some time to be given to trace out the relevant records.

Heard the SPIO, Directorate of Municipal Administration, Assam. It has been submitted that the Director, Municipal Administration is not the FAA in respect of the Municipal Board in question and therefore, the Appellant had been informed accordingly through a letter dated 03.08.2013. A copy of the said letter is enclosed with the W/S.

Perused the W/S of the Appellant. It has been submitted that he is yet to receive the information he had sought for and he has alleged that by keeping his Application pending for almost three years is indicative of "willful negligence" on the part of the Chairman, Silchar Municipal Board.

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

1. The SPIO, Silchar Municipal Board shall carry out a systematic search and locate the relevant records and provide the information as sought for by the Applicant/Appellant, free of cost, within a period of 15 days of receipt of this order,
2. The Chairman, Silchar Municipal Board as FAA shall consider and dispose of the First Appeal dated 15.07.2013, with a speaking order, within a period of 21 days of receipt of this order.

3. The Director, Municipal Administration, Assam is directed to ascertain whether First Appellate Authorities in the Urban Local Bodies in the State have been notified and do the needful for issuing notification where no such authority exists and avoid confusion in the matter of filling of First Appeal by Appellants.

With this, the Second Appeal Petition is disposed of. However, the Appellant shall be at liberty to move this Commission, if he is aggrieved with the actions taken by the Silchar Municipal Board in compliance with this orders.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar
Assam State Information Commission

Memo No. SIC/CCR.65/2013/ -A

Dtd. 26.02.2016

Copy to:

1. The SPIO, Office of the Silchar Municipal Board, Silchar, P.O.- Silchar, Dist- Cachar, Assam, Pin- 788001 for information and necessary action.
2. The First Appellate Authority/Chairman, Silchar Municipal Board, Silchar, P.O.- Silchar, Dist- Cachar, Assam, Pin- 788001 for information and necessary action
3. The Director of Municipal Administration, Assam, Rukminigaon, Guwahati, Pin- 781022 for information and necessary action.
4. Shri Indrajit Dutta Choudhury, College Road, P.O. & P.S.- Silchar, Dist- Cachar, Assam, Pin- 788004 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Deputy Registrar
Assam State Information Commission