



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

Case No. : **KP(M).16/2014**

Complainant/ appellant : **Sri Shyamal Kumar**

Respondent : **Commissioner of Industries and Commerce.**

Date of hearing : **04-04-2016**

Complaint/ Second appeal heard by : **Shri H.S. Das, IAS (Retd)
Chief Information Commissioner, Assam**

O R D E R

The petitioner Shri Shyamal Kumar is present. The public authority is represented by (1) Mrs. Manjula Saikia Bhuyan, Additional Director and SPIO of the Commissionerate of Industries and Commerce and (2) Sri Sanatan Bori, Senior Assistant of the Commissionerate.

The second appeal petition dated 29-11-2013 is taken up for hearing in presence of both the parties.

From perusal of the case records it is seen that the petitioner Sri Shyamal Kumar filed an RTI petition dated 23-8-2013 before the SPIO of Commissionerate of Industries and Commerce seeking the following informations:-

- 1, The names of PIOs and the Appellate Authorities of the Commissionerate of Industries and Commerce as on 20-8-2013.**
- 2. The licenses of Industries and Factories of Assam**
- 3. Annual Financial Audit report of all Industries and factories in Assam**
- 4. Procurement of license and procedure of establishing a production unit.**

It is seen from the case records that the SPIO concerned replied to the petitioner vide letter dated 30th October, 2013. Against the first item of information sought for by the petitioner, he was informed that Commissioner of Industries and Commerce of Assam was the Appellate Authority and the Additional Director, In-charge of Administration was the SPIO. The petitioner was not satisfied with this information, because he wanted the names of the appellate authority and SPIO. The SPIO deposed before this Commission today that Sri Rajesh Prasad, IAS , Commissioner of Industries and Commerce was the First Appellate Authority at that time i.e. on 23-8-2013.

Similarly, the names of the SPIO was Md. M. U. Ahmed the then Additional Director (Administration) .

As against licenses of Industries and factories in Assam, the petitioner was asked by this Commission whether he wanted the list of licenses of Industries and factories or copies of the licenses. From his RTI petition this is not clear. This Commission also notes that the number of factories in Assam would run into thousands and that such licenses are issued by Inspector of Factories.

The SPIO and Additional Director, Industries and Commerce made a written submission that the Commissioner, Industries does not issue any license for setting up of Industries. For MSNE sector, Industrial Units are registered with the DIC's. For large Industries the Promoters have to submit the **Industries Entrepreneurship Memorandum** directly to the Govt. of India.

In view of the above, this Commission directs the SPIO of Industries and Commerce of the Commissionerate of Industries to transfer the RTI petition in respect of point No.-2 to the Inspector of Factories with a copy of this order.

As already mentioned, since the No. of factories in the State will run into thousands, making copies of the licenses and compiling a list of those factories will be disproportionate to the resources of the Inspector of Factories..

This Commission , therefore, directs the Inspector of Factories, through this order, to allow the petitioner to inspect the documents/ records , within 15 days from the date of receipt of the transferred RTI application.

As regards information No..3, i.e., the financial audit report of all industries and factories, the petitioner was informed by the SPIO vide their letter dated 30th October, 2013 that the required information could not be provided.

This Commission also notes that the Annual Financial Audit Report of all Industries and Factories of Assam are not documents which are supposed to be available with the Directorate of Industries and Commerce, and that the petitioner did not mention any time-period for which he sought such voluminous information.

As regards point No.-4, the SPIO of the office of the Commissionerate of Industries and Commerce had already furnished the required information vide his letter dated 30th October, 2013. The petitioner also made a written submission that he does not want any further information on that point.

With the above order the 2nd appeal petition dated 29-11-2013 is disposed of.

Sd/-
(H. S. Das)
Chief Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No.SIC/KP(M)/ 16/2014 /

Dtd. 4-04-2016

1. SPIO of the Commissionerate of Industries and Commerce, 'Udyog Bhawan' Bamunimaidam, Guwahati-21 for information and necessary action.
2. Inspector of Factories, Guwahati for information and necessary action.
3. Sri Shyamal Kumar, Appellant, , Vill- Gotanagar, P.O- Maligaon, Guwahati-33 for information and necessary action.
4. Computer Section for uploading in the Website.
5. Office File.

Registrar
Assam Information Commission