



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

Case No. : SIC/LPR.34/2013
Appellant : Sri Rajen Dutta
Respondent : The SPIO/Secretary, Office of the Ghilamara S.S.
Ltd., Lakhimpur
Date of hearing : 27.04.2016
Second Appeal heard by : Smt. Nilufer Alam Hazarika, IAS (Retd.)
State Information Commissioner, Assam

O R D E R
27.04.2016

The petitioner Sri Rajen Dutta is present.

The Public Authority is represented by Sri Rabindra Boruah, Secretary, Ghilamara, S.S. Ltd. The First Appellate Authority (FAA) is absent without any intimation.

On perusal of the record, it appears that the RTI petition dated 14.05.2013 was addressed to the Secretary, Ghilamara S.S. Ltd. The information sought for by the applicant relates to lifting and distribution of essential commodities by Samabai Sammities under PDS. On 17.06.2013 the Secretary, Ghilamara S.S. Ltd. informed that the applicant has to deposit 3,106/- only in the office the Food, Civil Supplies and Consumer Affairs Department, Dhakuakhana as the cost of supply of documents. On receipt of the said letter the petitioner filed the First Appeal petition before the FAA/Assistant Registrar, of Cooperative Societies, Dhakuakhana on 01.07.2013 alleging unreasonableness of fee charged for furnishing of documents by the Secretary, Ghilamara S.S. Ltd and Secretary, Pachim Machkhowa S.S. Ltd. and Dakhin Gohain S.S. Ltd and non furnishing of documents by the other Secretaries of Kherkata S.S. Ltd. and Pub-Dhakuakhana S.S. Ltd.

As per record, the Asstt. Registrar/FAA directed the five societies to appear for hearing on 19.07.2013 vide letter dated 15.07.2013. Vide letter dated 22.07.2013, he directed the Secretary, Dakhin Gohain S.S. Ltd., Secretary, Pachim Machkhowa S.S. Ltd. and Secretary, Ghilamara S.S. Ltd. to furnish the information to the petitioner as per RTI Act, 2005. The petitioner has verbally stated that the record of discussion of the FAA was not communicated to him and he had obtained a copy of the same by filing an RTI petition before the FAA. A Copy of the same has been submitted today. From the record of discussion held, it appears that the SPIOs/Secretaries had been directed to furnish the information to the petitioner after assessing the required cost of making photocopies.

On 16.08.2013 the petitioner Sri Rajen Dutta filed a Second Appeal petition before the Commission and the Commission remanded the Appeal petition to the First Appellate Authority vide order dated 02.09.2015 to dispose of the appeal petition after hearing the petitioner within 30 days from the date of receipt of the remand order. A direction was also issued that the petitioner will be at liberty to move the Commission with Second Appeal petition or Complaint, as the case may be, if he was aggrieved by the FAA or because of non disposal of the First Appeal by the FAA.

The appellant on 16.11.2015 filed a petition before the Commission informing that the FAA had not taken any action on the remand order and as such the Commission should take necessary action. Hearing was fixed today *i.e.* 27.04.2016.

The Public Authority represented by Shri Rabindra Boruah, Secretary, Ghilamara S.S. Ltd. stated that vide his letter dated 17.06.2013 the petitioner was directed to deposit Rs.3,106/- and collect copies of documents by 24.06.2013. But the petitioner had not contacted the Secretary, and hence documents could not be furnished. He also stated that the Secretary, Dakhin Gohain S.S. Ltd. had not received any notice from the Commission but was present today. The

Secretary, Ghilamara S.S. Ltd. also stated that he was not aware of the remand order dated 02.09.2015 and had not received any order from the FAA. In view of the absence of the First Appellate Authority it could not be ascertained whether any action was taken on the remand order dated 02.09.2015.

The petitioner Sri Rajen Dutta alleged that the SPIO had not complied with the order dated 27.03.2015 passed by the Commission to furnish the documents. On scrutiny of documents available on record, no order passed by the Commission dated 27.03.2015 could be traced and on perusal of the copy of the order furnished by the petitioner it is seen that an order was passed in appeal case no. LPR.31/2013 and not in the present case.

In view of the circumstances stated above, the SPIO/Secretary, Ghilamara, S.S. Ltd is directed to furnish the required information to the petitioner free of charge upto 50 photocopies and at the cost of Rs. 2/- per photocopy thereafter, within 15 days from the date of receipt of the order.

With the above direction, the Second Appeal petition dated 16.08.2013 and petition dated 13.11.2015 are disposed of.

Sd/-

Nilufer Alam Hazarika, IAS (Retd.)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar
Assam Information Commission

Memo No. SIC/LPR.34/2013/ -A

Dtd. 27.04.2016

Copy to:

1. The SPIO/Secretary Ghilamora S.S. Ltd., Lakhimpur, Assam, Pin-787053 for information and necessary action.
2. The First Appellate Authority/Assistant Registrar, Cooperative Societies, Dhakhuakhana, Lakhimpur, Assam, Pin-787055 for information and necessary action.
3. Sri Rajen Dutta, S/o Kanlara Dutta, Vill-Kamargaon, PO- Dhakhuakhana, Dist-Lakhimpur, Assam, Pin-787055 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar
Assam Information Commission