

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

Case No. : SIC/DHR.104/2013
Appellant : Md. Shorhab Ali.
Respondent : The SPIO, O/o the Executive Engineer, P.H.E., Dhubri
Date of hearing : 21.04.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
21.04.2016

Neither party present. However, a Written Statement dated 08.04.2016 with its enclosures received from SPIO, office of the Executive Engineer, PHE, Dhubri Division and the same is taken on record.

Perused the case record. Appellant had submitted his Second Appeal dated 04.12.2013 after he failed to receive the information he had sought for and response from the First Appellate Authority.

Perused the aforementioned W/S. It has been submitted that the RTI Application dated 03.06.2013 had been received on 18.07.2013 after it was transferred by the SPIO, office of the D.C., Dhubri to whom the Application had originally been made. It has further been submitted that the information had been furnished to the Applicant/Appellant through letter no. PHEE/DBB/CIR-5 Pt-II/843 dated 25.07.2013. However, a perusal of the said letter which has been enclosed with the W/S indicates that the Applicant had been requested to visit office and inspect records only, he was informed that he might have to deposit the cost of photocopying, and no information was supplied to him.

From the above, it is seen that the SPIO's submission was not based on fact, and he has actually made a misleading statement before the Commission.

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

1. SPIO shall refrain from making misleading statements such as the one he has done in the instant case;
2. He shall provide the information/documents as sought for by the Appellant, free of cost, within a period of 10 days of receipt of this order and make an explanatory written communication with the Appellant in respect of the information/documents which may not be available in the office of the Executive Engineer, PHE, Dhubri;
3. As SPIO failed to furnish the information to the Applicant/Appellant within 30 days as stipulated by the RTI Act, 2005, he shall submit an explanation before the Commission 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;
4. Although the First Appeal dated 26.08.2013 was submitted before the SPIO, office of the D.C., Dhubri, it would be more appropriate that the Executive Engineer, PHE, Dhubri shall consider and disposes of the said First Appeal, with a speaking order, within a period of 21 days of receipt of this order.

Send copies of the Application, First Appeal and Second Appeal to the First Appellate Authority/Executive Engineer, PHE, Dhubri.

Sd/-
Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Deputy Registrar
Assam Information Commission

Memo No. SIC/ DHR.104/2013/ 10 -A

Dtd. 21.04.2016

Copy to:

1. The SPIO, office of the Executive Engineer, P.H.E., Dhubri Division, Dist- Dhubri, Pin-783301 for information and necessary action.
2. The First Appellate Authority/Executive Engineer, P.H.E., Dhubri Division, Dist- Dhubri, Pin-783301 for information and necessary action.
3. The Deputy Commissioner, Dhubri, Dist- Dhubri, Assam, Pin-783301 for information.
4. Md. Shorhab Ali, S/o- Lt. Osman Ali, Vill- Boalkamari Pt-I, P.O.- Boalkamari, P.S.- Bilasipara, Dist- Dhubri, Assam, Pin- 783348 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Deputy Registrar
Assam Information Commission