



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

Case No. : SIC/BPT.59/2016
Appellant : Sri Kanku Dutta.
Respondent : The SPIO, O/o the Chief Executive Officer, Barpeta Zilla Parishad, Barpeta
Date of hearing : 18.06.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
18.06.2016

Sri Raj Kumar Das, an authorized representative is present on behalf of the SPIO. He submitted a Written Statement dated 11.06.2016 from the SPIO.

Md. Omar Khayyam, SPIO, office of the C.E.O., Barpeta Zilla Parishad present along with a Written Statement 18.06.2016.

Perused the W/S from the Appellant. It has been submitted that he has not received the information that he had sought for therefore, he has requested for the information free of cost, for penalty to be imposed on the SPIO under Section 20 (1) of the RTI Act, 2005, and recommendation for disciplinary action on the SPIO under the same Section.

Perused the W/S from the SPIO. It has been submitted that after receiving Application on 16.07.2015 information was sought from the concerned assistant in the office within 30 days from the date of instruction which was 30.07.2015. It has been added that the First Appeal dated 27.08.2015 could not be disposed of on account of frequent change in the incumbency of C.E.O.

Heard the representative of the Appellant. Reiterating the submissions made in the W/S, he requested for a copy of the W/S dated 18.06.2016 submitted by the SPIO.

Heard the SPIO. He has submitted that the accounts for the work had not been closed for the year 2014-15 at the time of receiving the RTI Application.

Perused the case record. It is seen that the Appellant had sought information relating to a scheme for the years 2014-15 and 2015-16, and that he had filed the Second Appeal after he failed to receive the information and response to the First Appeal.

In this connection, the Commission observes that the SPIO did not take timely action to secure the information from the custodians of the information/documents in relation to the RTI Application and it is not acceptable that the First Appeal could not be disposed of owing to frequent change of incumbency of the C.E.O. Further, the SPIO ought to have provided whatever information was available already in connection with the execution of the work even if it was an ongoing one.

In view of the facts brought out above, the Commission hereby orders that the SPIO shall obtain all the information sought for by the Appellant to the extent that is available for the year 2014-15 and 2015-16 and provide it to the Appellant, free of cost, within 10 days of receipt of this order.

It is also ordered that the First Appellate Authority/C.E.O., Barpeta Zilla Parishad shall consider and dispose of the First Appeal dated 27.09.2015, with a speaking order, within 21 days of receipt of this order.

Give a copy of the W/S dated 18.06.2016 submitted by the SPIO to the representative of the Appellant.

With this, the Second Appeal Petition is disposed of.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar
Assam Information Commission

Memo No. SIC/BPT.59/2016/ 17-A

Dtd. 18.06.2016

Copy to:

1. The SPIO, office of the Chief Executive Officer, Barpeta Zilla Parishad, Dist- Barpeta, Assam, Pin- 781301 for information and necessary action.
2. The First Appellate Authority/Chief Executive Officer, Barpeta Zilla Parishad, Dist- Barpeta, Assam, Pin- 781301 for information and necessary action.
3. Sri Kanku Dutta, S/o- Sri Dhiraj Kumar Dutta, Ward No. 19, Metuwakuchi, P.O. & Dist- Barpeta, Assam, Pin- 781301 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar
Assam Information Commission