

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

Case No. : SIC/DHR.80/2014
Appellant : Sri Banshi Lal Gupta.
Respondent : The SPIO, O/o the Chairman, Dhubri Municipal Board, Dhubri
Date of hearing : 15.06.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
15.06.2016

The SPIO absent without information. He has not made any written submission to apprise the Commission about the steps he may have taken to furnish the information sought for. He also has not submitted any written explanation as to why penalty shall not be imposed on him under Section 20 (1) of the RTI Act, 2005 for his failure to furnish the information to the Applicant within the stipulated period of 30 days.

The First Appellate Authority/Chairman, Dhubri Municipal Board has not apprised the Commission about the steps he may have taken to dispose of the First Appeal dated 11.04.2014 which he was asked to do through its hearing notice dated 01.06.2016.

The Appellant present with an assistant.

Heard the Appellant. He has submitted that he has neither received the information he had sought for nor any response from the First Appellate Authority to his First Appeal.

Perused the case record. It is seen that the Appellant had filed his Second Appeal dated 17.11.2014 after he failed to receive the information he had sought for from the SPIO through his Application dated 10.03.2014, and any response from the FAA to his First Appeal. From the deposition of the Appellant, case record and absence of any evidence of action taken, if any, by the SPIO and the FAA, it appears that the Public Authority has not taken the provisions of the RTI Act, 2005 and the Application for information made thereunder with the seriousness that these deserve.

It is seen that this Second Appeal was a repeat of the Second Appeal that filed by the Appellant dated 06.06.2014 on the same RTI Application and First Appeal which is also scheduled for hearing later today and numbered as SIC/DHR.85/2014.

As the both Appeals pertain to the same RTI Application, the order passed by the Commission on the instant Second Appeal will apply to the other case, namely, SIC/DHR.85/2014.

In this connection the Commission hereby orders as follows –

1. The SPIO shall provide the information sought for by the Appellant, free of cost, within 10 days of receipt of this order;
2. The SPIO shall submit a written explanation as to why penalty shall not be imposed on him under Section 20 (1) of the RTI Act, 2005 for his failure to furnish the information to the Applicant within the stipulated period of 30 days, within 15 days of receipt of this order.
3. The SPIO shall submit a compliance report on the action taken on this order with regard to furnishing of the information, within 15 days of receipt of this order;
4. The First Appellate Authority/Chairman, Dhubri Municipal Board shall consider and dispose of the said First Appeal, with a speaking order, within 15 days of receipt of this order.

Keep a copy of this order with the case file no. SIC/DHR.85/2014.

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

Authenticated true copy.

Sd/-
Deputy Registrar
Assam Information Commission

Copy to:

1. The SPIO, office of the Chairman, Dhubri Municipal Board, Dhubri, Dist- Dhubri, Assam information and necessary action.
2. The First Appellate Authority/Chairman, Dhubri Municipal Board, Dhubri, Dist- Dhubri, Assam information and necessary action.
3. Sri Banshi Lal Gupta, S/o- Lt. Beni Lal Gupta, H/No.- 5, UNC Road, Dhubri, Dist- Dhubri, Assam, Pin- 783301 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar
Assam Information Commission