



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

Case No. : SIC/BPT.68/2016
Complainant : Shri Raj Kumar Das.
Respondent : The SPIO, O/o the Chief Engineer, P.W.D. (Roads), Assam, Guwahati
Date of hearing : 01.07.2016
Complaint heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
01.07.2016

The Public Authority is represented by Sri Lalit Ch. Konwar, PIO/A.E.E. (T/C), office of the Executive Engineer, PWD Barpeta Rural Road Division, Sri Gobin Ch. Saikia, PIO/S.E. *i/c* and Sri Rameswar Basumatary, APIO/Executive Engineer, PMGSY, office of the Chief Engineer, PWD (Roads), Assam. Written Statements dated 24.06.2016 and 29.06.2016 received from the Executive Engineer, PWD Barpeta (R.R.) Division and PIO/S.E. (PMGSY Cell), office of the Chief Engineer, PWD (Roads), Assam respectively.

The Complainant is present along with a Written Statement dated 30.06.2016.

Perused the W/S from the SPIO/S.E., office of the Chief Engineer, PWD (R), Assam. It has been submitted that the information had been provided to the Complainant on 03.05.2014 in compliance with the order of the First Appellate Authority dated 29.04.2014.

Perused the W/S submitted by the Executive Engineer, PWD Barpeta (R.R.) Division. It has been submitted that a certified copy of volume of the concerned DPR had been provided to the Complainant in response to another of his RTI Application, and that Volume-II of the DPR could not be traced and FIR lodged with the Police in that connection on 17.10.2015 in compliance with the order of the Commission dated 03.08.2015.

Perused the W/S from the Complainant. The Complainant has indicated the discrepancies and shortcomings in the documents provided to him as also a part of the documents which are missing and has alleged that the 'report' by the A.E.E. and E.E. was not genuine.

Heard the representatives of the Public Authorities present and also the Complainant. The Complainant has submitted that he would want Commission to invoke the penal provisions under Section 20 (1) and 20 (2) of the RTI Act, 2005 on the ground of negligence in providing information, intentional delay and for providing "false, incomplete, fabricated and misleading information". He has also requested the Commission to take necessary action against the FAA/Commissioner and Special Secretary, Govt. of Assam, PWD for not issuing a reasoned order on his submission.

Considering that the Complainant is now pressing on the punitive provisions of the said Act rather than furnishing of information, another opportunity ought to be given to the Public Authority, specifically to the SPIO and the deemed SPIO, to respond to each of the charges he has brought out in his Complaint petition dated 29.10.2015 submitted before the Commission. A copy of the Complaint had been forwarded to the SPIO, office of the Chief Engineer, PWD (Roads), Assam and Executive Engineer, PWD, Barpeta (R.R.) Division through the Commission's hearing notice dated 09.06.2016. The said SPIO and the Executive Engineer submitted that they had indeed received a copy of the said Complaint.

The Commission hereby orders that the SPIO, office of the Chief Engineer, PWD (Roads), Assam and Executive Engineer, PWD, Barpeta (R.R.) Division shall submit separately to Complainant a detailed response on the points/charges made by the Complainant in the said Complaint in the matter of furnishing of information to him in response to his RTI Application dated 19.11.2013, within 15 days of receipt of this order.

Further, hearing on the matter will be held in due course.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar
Assam Information Commission

Memo No. SIC/BPT.68/2016/ 42 -A

Dtd. 01.07.2016

Copy to:

1. The SPIO, office of the Chief Engineer, P.W.D. (Roads), Assam, Chandmari, Guwahati-781003 for information and necessary action.
2. The Executive Engineer, P.W.D. Barpeta Rural Road Division, Dist- Barpeta, Assam for information and necessary action.
3. The First Appellate Authority/ Chief Engineer, P.W.D. (Roads), Assam, Chandmari, Guwahati-781003 for information and necessary action.
4. Shri Raj Kumar Das, H/No.-3, Ward No.-13, P.O.- Barpeta, Dist- Barpeta, Assam, Pin- 781301 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Deputy Registrar
Assam Information Commission