



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

Case No. : SIC/KP(M).431/2014
Appellant : Shri Anup Thakuria
Respondent : The SPIO, O/o the Chairman, Bongaigaon Municipality
Date of hearing : 27.06.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
27.06.2016

The Appellant present.

The SPIO absent. However, he has submitted a Written Statement dated 24.06.2016.

Perused the W/S. It has been submitted that the information sought for has been furnished and received by the Applicant, and the Commission has been requested to dismiss the case. The SPIO has however not enclosed any evidence of the information having been provided and of the Appellant having received it.

Heard the Appellant. He has submitted that he has received a letter from the Vice Chairman, Bongaigaon Municipality, Bongaigaon no. BM./SJSRY/UWEP-21/03 dated 12.03.2014 to the effect that “in spite of vigorous searching” the letter from the Director, Municipal Administration, Assam cited by the Appellant could not be located and consequently, no reply could be provided. The Public Authority has sought from the Appellant a photocopy of the said letter so that the RTI Application could be responded to. The Appellant further submitted that he had acknowledged receipt of the Public Authority’s letter through his letter dated 24.06.2016. He has submitted photocopies of the said two letters which are taken on record. He also added he had provided a copy of the said Municipal Administration letter over a year back.

From the above, it is seen that the submission by the Public Authority namely, the Chairman, Bongaigaon Municipality has had the effect of misleading the Commission through his W/S in that whereas he has sought a copy of the letter referred by the Appellant in his RTI Application so as to be able to provide the information sought for, he has submitted before the Commission that the information sought for had already been furnished and received by the Applicant.

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

1. The Appellant shall provide another copy of the letter no. D.M.A.(A)/134/04/65 dated 26.04.2005 issued by the Director, Municipal Administration, Assam, within 5 days of receipt of this order;
2. Within 10 days of receipt of the copy of the said letter from the Appellant, the SPIO, office of the Chairman, Bongaigaon Municipality, Bongaigaon shall provide the information sought for by the Appellant on the utilization of the fund provided to the Municipality by Director, Municipal Administration through the aforementioned letter under UWEP component of SJSRY for the year 2003-04 and 2004-05;
3. As there is no evidence of the First Appellate Authority/Chairman, Bongaigaon Municipality having disposed of the First Appeal dated 03.03.2014, he shall consider and dispose of the same, with a speaking order, within 21 days of receipt of this order; and

4. The Public Authority is hereby advised to ensure the veracity of the fact in the Written Submission made before the Commission in future.

With this, the Second Appeal Petition is disposed of.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Registrar
Assam Information Commission

Memo No. SIC/KP(M).431/2014/ 10 -A

Dtd. 27.06.2016

Copy to:

1. The SPIO, office of the Chairman, Bongaigaon Municipality, Bongaigaon, Dist- Bongaigaon, Assam for information and necessary action.
2. The First Appellate Authority/ Chairman, Bongaigaon Municipality, Bongaigaon, Dist- Bongaigaon, Assam for information and necessary action.
3. Shri Anup Thakuria, M/s. SAN Enterprise, Jyotinagar, Bamunimadam, Guwahati, Assam, Pin- 781021 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Registrar
Assam Information Commission