

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

Case No. : KP(M).522 /2014
Complainant/ Appellant : Shri Bikash Sarma
Respondent : Guwahati Municipal Corporation, Guwahati-1
Date of hearing : 08.6.2016
Complaint/ Second : Shri H.S. Das, IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R

08.6.2016

The petitioner Shri Bikash Sarma is absent. However, he has sent a written submission dtd 4.6.16 stating that due to his posting in Dhubri, he will not be able to attend in today's hearing. The Public Authority is represented by:- (1) Sayed Isfaque Rahman, Addl. Commissioner, GMC, (2) Shri Santanu Das, Associate Town Planner, GMC, and (3) Shri Dinesh Das, Zonal Engineer, GMC. The Second Appeal petition dtd 27.5.14 is taken up for hearing ex-parte in absence of the petitioner.

From perusal of the case records it is seen that the petitioner filed an RTI petition dtd 29.5.14 before the SPIO of Guwahati Municipal Corporation (GMC) followed by a First Appeal petition dtd 9.7.14. Vide his RTI petition dtd 29.5.14 the petitioner wanted some information regarding construction of eight storied apartment building by M/S ABH Pioneer at Panjabari, Guwahati-37 named "Golden Tower". It is also seen from the case records that vide letter dtd 4.8.14, the Collector and PIO of GMC furnished certain information to the petitioner.

Against item No. 1 whether construction of the building is completed or not, the information furnished was "information is not available in record". This Commission observes that it is an unsatisfactory reply. As regards item No. 2 seeking copies of documents, the reply given was "does not arise". Again this is an evasive reply. This Commission observes that the ownership documents and land sale permission are third party information. GMDA and the concerned Deputy Commissioner are the appropriate Public Authorities for land sale permission. As regards point No. 3, information appears to have been furnished.

In view of the above, This Commission passes the following direction to the SPIO, GMC:-

- (1) The petitioner will be apprised whether construction of the concerned building has since been completed or not.
- (2) The petitioner be furnished copies of completion certificate, final inspection report and occupancy certificate if the construction of building is completed, and if those documents are generated. If not, the petitioner be apprised of the factual position.

- (3) As regards ownership documents, the SPIO of GMC will proceed u/s 11 of the RTI Act and dispose of the matter within 40 days from the date of receipt of this order with a speaking order, and
- (4) As regards land sale permission, GMC will transfer the relevant portion of the RTI petition to the Deputy Commissioner, Kamrup (Metro) and GMDA for disposal with a speaking order under section 11 of the RTI Act within 40 days from the date of receipt of transferred RTI petition.
- (5) On whether there has been any change in the Kalakshetra- Panjabari – Narengi portion of the master plan, this Commission is of the view that GMDA is the appropriate Public Authority to furnish the information. This Commission, therefore, directs the SPIO of GMC to transfer question 4 portion of the RTI petition also to the PIO of GMDA for furnishing the information to the petitioner within 40 days from the date of transferred RTI petition.

While dealing with the Second Appeal petition, this Commission observes that the GMC has not been making proactive disclosures of the building permissions given by them as is required u/s 4 of the RTI Act, 2005. This Commission, therefore, directs the Commissioner of GMC to comply with section 4 of the RTI Act, 2005 and proactively disclose all information, including those related to building permissions as is admissible under the RTI Act, through their website. The GMC Commissioner is also directed to upload all such information in their website proactively and update the same periodically, and also complete uploading such information for the last 5 years in their website within a period of 4 months from the date of receipt of this order.

With the above order, the Second Appeal petition dtd 24.9.14 is disposed of.

Sd/-
(H. S. Das)
Chief Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/ KP(M).522/2014/19-A

Dtd. 08.6.2016

Copy to:

1. The Commissioner, Guwahati Municipal Corporation, Panbazar, Guwahati-781 001 for information & necessary action.
2. The Addl. Commissioner & SPIO of Guwahati Municipal Corporation, Panbazar, Guwahati-781 001 for information and necessary action.
3. Shri Bikash Sarma, 3 A, Amulya Nagar Batahghuli road, Panjabari, Guwahati-37 for information.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.

Registrar
Assam Information Commission