

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

Case No. : SIC/KP(M).339/2016
Appellant : Sri Harinarayan Pathak
Respondent : The SPIO, O/o the Revenue & D.M. Department, Dispur
Date of hearing : 12.07.2016
Second Appeal heard by : Smt. Nilufer Alam Hazarika, IAS (Retd.)
State Information Commissioner, Assam

O R D E R
12.07.2016

The petitioner Sri Harinarayan Pathak is present.

The Public Authority is represented by Smti. Mayuri Chetia, ACS, Deputy Secretary & SPIO, Revenue and Disaster Management Department.

The SPIO submitted a written statement dated 27.06.2016 that the RTI application dated 20.10.2014 was received by the then SPIO and information had been furnished vide letter dated 07.11.2014. She stated that action taken report was not received from the D.C. Kamrup (Metro) and hence could not be furnished to the petitioner.

The First Appellate Authority *i.e.* the Commissioner & Secretary to the Govt. of Assam, R & DM department has also submitted a written statement that the First Appeal dated 13.12.2014 was received on 16.12.2014 and the same was disposed of by the First Appellate Authority vide order dated 09.03.2015 wherein it was mentioned that the action taken report as sought for by the petitioner could not be provided as the same was not available in the department and the D.C. Kamrup (Metro) vide letter dated 28.01.2015 was issued a reminder to submit action taken report within 3 days so that the information could be furnished to the petitioner but the same is still awaited. The SPIO present also stated that the action taken report regarding resurvey of his plot of land had not been received from the D.C. Kamrup (Metro) and hence the information could not be furnished.

The Commission observes that there has been delay in furnishing the information as the information is not available with the R & DM department. The D.C Kamrup (Metro) who is holding the information is considered as deemed PIO under Section 5 (4) and 5 (5) of the RTI Act, 2005 and he is directed to furnish the information to the Revenue & Disaster Management Department within 15 days from the date of receipt of this order, who in turn will furnish the information to the petitioner within 7 days from the date of receipt of this order.

With the above direction, the Second Appeal petition dated 16.03.2015 is disposed of.

Sd/-

Nilufer Alam Hazarika, IAS (Retd.)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar
Assam Information Commission

Memo No. SIC/KP(M).339/2016/ 17 -A

Dtd. 12.07.2016

Copy to:

1. The SPIO, office of the Deputy Commissioner, Kamrup (Metro), Guwahati, Assam for information and necessary action.
2. The SPIO, office of the Revenue and Disaster Management Department, Govt. of Assam, Dispur, Guwahati, 781006 for information and necessary action.
3. The First Appellate Authority/Commissioner and Secretary, Revenue and Disaster Management Department, Govt. Of Assam, Dispur, Guwahati-781006 for information.
4. Sri Harinarayan Pathak, Padumpukhuri, Uzan Bazaar, Guwahati-1 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Deputy Registrar
Assam Information Commission