



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

Case No. : SIC/KAN.31/2016
Appellant : Sri Indra Rongphar
Respondent : The SPIO, O/o the Executive Engineer, Karbi Anglong Division (Irrigation), Diphu
Date of hearing : 30.06.2016
Second Appeal heard by : Smt. Nilufer Alam Hazarika, IAS (Retd.)
State Information Commissioner, Assam

O R D E R
30.06.2016

The petitioner Sri Indra Rongphar has intimated vide letter dated 30.06.2016 informing that he will not be able to attend the hearing on 30.06.2016 and that he has not received any information from the SPIO, office of the Executive Engineer, Karbi Anglong Division (Irrigation) against his RTI petition dated 19.12.2013.

The Public Authority is represented by Sri Prosanta Gogoi, Asstt. Executive Engineer who has been deputed by Chief Engineer (Irrigation), Assam accompanied by Sri Atul Ch. Das, J.E and Sri Bhoirab Jyoti Hazarika, J.E, office of the Director design (I) Chandmari.

The Chief Engineer (Irrigation) has submitted a written statement dated 29.06.2016 that they had not received any petition except the petition dated 23.05.2016 received on 03.06.2016. The same was sent to S.E. Diphu Circle (Irrigation), Diphu by the Addl. Chief Engineer cum SPIO deemed PIO Irrigation Department to take necessary action vide letter dated 08.06.2016 with a copy to the petitioner.

The SPIO cum Deputy Secretary, Govt. of Assam, Irrigation Department also vide letter dated 31.05.2016 had sent the application filed by Sri Indra Rongphar to the Chief Engineer, Irrigation, Assam and the Chief Engineer, Minor Irrigation, Assam to provide information to the petitioner within 30 days.

On perusal of record, it appears that the petitioner had filed an RTI application dated 19.12.2013 before the Chief Engineer, Irrigation Department, Govt. of Assam, Chandmari which was transferred to the Executive Engineer, Bokajan Division (Irrigation) and Executive Engineer, Karbi Anglong Division, Irrigation vide letter dated 22.01.2014. The office of the Chief Engineer, Chandmari should verify their records before sending report to the Commission and is directed to be careful in future.

The First appeal was filed before the Executive Engineer, Karbi Anglong Division (Irrigation) on 03.03.2014 and thereafter the Second Appeal was filed before the Commission on 02.04.2014. The Commission vide notice dated 16.06.2016 directed the SPIO, office of the Executive Engineer, Karbi Anglong Division (irrigation) to submit a written statement mentioning the date of receipt of the RTI application and the date of furnishing the information sought for by the applicant, if the same has been furnished, and why penalty under section 20(1) of the RTI Act, 2005 shall not imposed on him/her for failure to furnish the information sought for within the stipulated time. The SPIO, office of the Executive Engineer, Karbi Anglong Division (Irrigation) has neither appeared nor sent any information to the Commission. It also appears that the First Appeal filed by the petitioner before the Chief Engineer, Irrigation Department, Chandmari on 03.03.2014 had not been disposed of. The Appeal petition dated 03.03.2014 is therefore remanded to the First

Appellate Authority, i.e. the Chief Engineer, Irrigation Department, Chandmari for disposal with a speaking order after hearing the petitioner, within 21 days from the date of receipt of this order.

With the above direction, the Second Appeal petition dated 02.04.2014 is disposed of. The petitioner will be at liberty to file a Second Appeal/Complaint petition before the Commission, if information is not furnished to him or he is not satisfied with the information furnished.

Sd/-

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

Authenticated true copy

Sd/-

Deputy Registrar
Assam Information Commission

Memo No. SIC/KAN.31/2016/ 18 -A

Dtd. 30.06.2016

Copy to:

1. The SPIO, office of the Executive Engineer, Karbi Anglong Division, (Irrigation), Diphu, Dist- Karbi Anglong, Assam for information and necessary action.
2. The First Appellate Authority/Chief Engineer, Irrigation Department, Govt. of Assam, Chandmari, Guwahati-03 for information and necessary action.
3. Sri Indra Rongphar, Vill-Chirimokam, PO-Donkamokam, Dist- Karbi Anglong, Diphu, Assam, Pin-782485 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar
Assam Information Commission