



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

Case No. : SIC/MRN.3/2013  
Complainant/Appellant : Sri Prafulla Kumar Das  
Respondent : SPIO, O/o the BDO, Moirabari Development Block,  
Morigaon  
Date of hearing : 05.07.2016  
Complaint/Second Appeal heard by : Shri H.S. Das, IAS ( Retd)  
Chief Information Commissioner, Assam

**O R D E R**  
05.07.2016

The petitioner Sri Prafulla Kumar Das is present. The public authority to be represented by the SPIO, office of the BDO, Moirabari Development Block, Morigaon is absent without any information. The non-compliance complaint petition dated 20.04.2016 filed by the petitioner is taken up for hearing *ex parte* in the absence of the public authority.

It appears from the case records that the Second Appeal dated 19.03.2013 was already heard by the State Information Commissioner (SIC), Sri P. Basumatary and order was passed on 11.12.2015. By his order dated 11.12.2015, the SIC has directed the SPIO, office of the BDO, Moirabari Development Block, Morigaon to provide the information sought for by the appellant vide his RTI application dated 25.06.2012, free of cost, within a period of 10 days from the date of receipt of that order. The SPIO was further directed to submit an explanation to the Commission, within a period of 15 days from the date of receipt of the order, as to why penalty will not be imposed on him under section 20 (1) of the RTI Act, 2005 for his failure to furnish the information to the applicant within the stipulated period of 30 days.

From the case record, it is seen that earlier by order dated 30.01.2013, the First Appellate Authority *i.e.* PD, DRDA, Morigaon directed the PIO and BDO, Moirabari Development Block to deliver the information to the petitioner within 15 days. The case records also reveal that the SPIO, office of the BDO, Moirabari Development Block, Morigaon was absent at the time of hearing on the last occasion *i.e.* on 11.12.2015 also. Nor did he submit any written statement in response to the Commission's notice dated 27.11.2015.

From the above, it appears that the SPIO, office of the BDO, Moirabari Development Block, Morigaon has been willfully absents himself from attending hearing before this Commission. Nor has he furnished any information to the petitioner so far, as has been complained by the petitioner vide his petition dated 20.04.2016.

The SPIO has not filed any explanation either as to why penalty under section 20 (1) of the RTI Act, 2005 shall not be imposed on him for his failure to furnish the required information as already ordered by the First Appellate Authority vide his order dated 30.01.2013 and by this Commission vide its order dated 11.12.2015.

This Commission is therefore of the view that enough opportunity of being heard was given to the SPIO, office of the BDO, Moirabari Development Block, Morigaon, but he did not avail of the opportunity. Nor did he furnish the sought for information to the petitioner which appears to non-compliance of this Commission's order dated 11.12.2015. This Commission therefore imposes a penalty of Rs.15,000/- on the SPIO, office of the BDO, Moirabari Development Block, Morigaon for his continued failure to furnish the sought for information to the petitioner in compliance with the Commission's order. He shall deposit the penalty of Rs. 15, 000/- under the Head of the account

“0070-Other Administrative Services through Treasury Challan” within 15 days from the date of receipt of this order and furnish a copy of Challan depositing the penalty to this Commission within 25 days from the date of receipt of this order.

Further, the Project Director, DRDA, Morigaon is directed to cause an inquiry into refusal by the SPIO, office of the BDO, Moirabari Development Block, Morigaon to furnish the sought for information to the petitioner and enforce his order dated 30.01.2013 with information to this Commission, within 30 days from the date of receipt of this order.

The matter will be reviewed again on **23.08.2016** at **12:30 PM**.

Issue notice to: i) the PD, DRDA, Morigaon, ii) the BDO, Moirabari Development Block, Morigaon, and iii) the SPIO, office of the BDO, Moirabari Development Block, Morigaon for their attendance on the next date of hearing.

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

**Authenticated true copy.**

**Sd/-**  
**Registrar**  
**Assam Information Commission**

Memo No.SIC/MRN. 3/2013/18 -A

Dtd. 05.07.2016

Copy to:

1. The SPIO in the Office of the BDO, Moirabari Development Block, PO- Morigaon, PS- Morigaon, Dist- Morigaon (Assam) Pin- 782105 for information and necessary action.
2. The BDO, Moirabari Development Block, PO- Morigaon, PS-Morigaon, Dist- Morigaon (Assam) Pin- 782105 for information and necessary action.
3. The First Appellate Authority/Project Director, DRDA, Morigaon Dist- Morigaon (Assam) Pin- 782015 for information and necessary action.
4. Sri Prafulla Kumar Das, S/o- Mogala Das, Vill- Athgaon, Chapari, P.O.- Dhing, P.S.- Ding, Dist- Nagaon (Assam), Pin- 782123 for information.
5. Computer Section for uploading in the Website.
6. Office File.

**Registrar**  
**Assam Information Commission**