

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

Case No. : SIC/KAN.50/2016
Appellant : Shri Indra Rongphar.
Respondent : The SPIO, O/o the
1. Principal Secretary, KAAC, Diphu, Karbi Anglong
2. Principal Secretary, N.C. Hills Autonomous Council,
Dima Hasao
Date of hearing : 19.07.2016
Second Appeal heard by : Smt. Nilufer Alam Hazarika, IAS (Retd.)
State Information Commissioner, Assam

O R D E R
19.07.2016

The petitioner Shri Indra Rongphar is absent but has informed vide written statement dated 19.07.2016 that the information sought for vide his RTI petition dated 18.07.2016 was not received from the SPIO, office of the Principal Secretary KAAC, Karbi Anglong and that the Principal Secretary, N.C. Hills Autonomous Council had transferred the RTI petition to the PWD and Irrigation department for furnishing of the required information. He also informed that he will not be able to attend the hearing today.

The Public Authority is represented by Sri Zulfikar Alam Hazarika, Addl. Chief Engineer (R & B) Hills, Haflong and Sri Bimala Kanta Doley, Addl. Chief Engineer, Irrigation, Zone-VI, Haflong.

The Addl. Chief Engineer, PWD (R & B) Hills, Haflong present stated that he had received the notice of the Commission on 18.07.2016 from the Principal Secretary, N.C. Hills Autonomous Council, Dima Hasao but the RTI petition and Appeal petition was not enclosed with the same.

The Addl. Chief Engineer, Irrigation, Zone-VI, Haflong present stated that he had not received any notice but was informed by the office of the Principal Secretary, N.C. Hills Autonomous Council that he should assist the Principal Secretary, N.C. Hills during the hearing. As such he was not aware of the information sought for by the petitioner as no papers in this regard was received by him. The Addl. Chief Engineer, PWD (R & B) Hills, Haflong and Addl. Chief Engineer, Irrigation, Zone-VI, Haflong stated that they would look into the matter and inform the Commission of action taken shortly.

On perusal of the case records, it is seen that no information was furnished to the petitioner and therefore the petitioner filed First Appeal under Section 19 (2) of the RTI Act, 2005 on 22.09.2014 that he had not received the information within the stipulated time. The Executive Engineer, PWD (R & B), Maibang Division vide letter dated 16.10.2014 informed the petitioner that it was not possible to furnish details without the names of the schemes.

Being aggrieved by the reply of the Executive Engineer, PWD (R & B) Maibang Division, he filed a Second Appeal petition dated 10.11.2014 before the Commission.

The Commission observes that there is no evidence of the First Appellate Authority having disposed of the First Appeal in accordance with the said Act. In view of the facts stated above, the Commission hereby orders as follows:

1. The SPIO, office of the Addl. Chief Engineer, Irrigation, Zone-VI, Haflong, Dima Hasao and the SPIO, office of the Executive Engineer, PWD, (R & B) Maibang Division shall furnish the information to the petitioner within 7 days from the date of receipt of this order, and intimate the Commission on the next date fixed;
2. The First Appellate Authority i.e. the Principal Secretary, North Cachar Hills Autonomous Council shall consider and dispose of the First Appeal dated 22.09.2014 with a speaking order within 10 days from the date of receipt of this order and intimate the Commission on the next date fixed.

The Commission observes that the RTI petition dated 18.07.2014 in case no. SIC/KAN.50/2016 and SIC/KAN.37/2016 are same. Hence, the order dated 15.07.2016 in case no. SIC/KAN.37/2016 stands cancelled and case no. SIC/KAN.37 stands dismissed.

Fix on **17.08.2016 at 12:30 PM** for hearing.

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.50/2016/ -A

Dtd. 19.07.2016

Copy to:

1. The SPIO, office of the Additional Chief Engineer, Irrigation, Zone-VI, Dist- Dima Hasao, Haflong, Assam for information and necessary action.
2. The SPIO, office of the Executive Engineer, PWD (R & B) Maibang Division, Maibang, Dist- Dima Hasao, Assam for information and necessary action.
3. The SPIO, office of the Addl. Chief Engineer, PWD (R & B), Hills, Dist- Dima Hasao, Assam for information and necessary action.
4. The SPIO, Office of the Principal Secretary, Karbi Anglong Autonomous Council, Dist-Karbi anglong for information and necessary action.
5. The First Appellate Authority/Principal Secretary, North Cachar Hills Autonomous Council, Haflong, North Cachar, Hills, Assam for information and necessary action.
6. Shri Indra Rongphar, Vill- Chirimokam, P.O.- Donkamokam, Dist- Karbi Anglong, Assam, Pin- 782485 for information.
7. Computer Section for uploading in the Website.
8. Office File.

Deputy Registrar
Assam Information Commission