



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

Case No. : SIC/KP(M).346/2016
Appellant : Sri Harinarayan Pathak
Respondent : The SPIO, O/o the Guwahati Metropolitan Development Authority, Bhangagarh
Date of hearing : 15.07.2016
Second Appeal heard by : Smt. Nilufer Alam Hazarika, IAS (Retd.)
State Information Commissioner, Assam

O R D E R
15.07.2016

The petitioner Sri Harinarayan Pathak is present.

The Public Authority is represented by Sri Debaraj Kalita, SPIO & Town Planner, GMDA. He has submitted a written statement dated 12.07.2016 along with a report on disposal of the RTI application of Sri Harinarayan Pathak dated 01.04.2015 and his subsequent First Appeal petition dated 11.05.2015. He has informed that the information as available and applicable under RTI Act, 2005 was furnished to the applicant vide letter dated 02.05.2015 excluding the third party documents for which third party consent was sought for and was denied by the third party. The applicant was informed accordingly vide letter dated 11.05.2015 that the land documents from Sl no. 6-15 and approved drawing stated in Sl. no. 16 could not be furnished due to third party objection. The appellant filed his First Appeal before the Chief Executive Officer, GMDA on 11.05.2015 and as per direction of the First Appellate Authority, the SPIO vide letter dated 21.05.2015 informed the appellant that the documents could not be furnished due to third party objection. The petitioner submitted a reminder dated 21.05.2015 and 28.05.2015 and the First Appellate Authority reiterated his earlier decision which was communicated to the petitioner on 27.05.2015 and 10.06.2015. The SPIO also stated that the appellant had submitted few fresh RTI applications and accessed information regarding GMDA's letter issued to the third party, objection received from the third party, extract of signature part of the approved drawing etc. Thereafter, the appellant submitted his Second Appeal before the Commission dated 17.08.2015. The petitioner had also taken up the matter with the CEO, GMDA enclosing a copy of the Second Appeal petition stating about forged signature of a Central Govt. Employee with concerned Registered Technical personnel (RTP) of GMDA. The SPIO also stated in his written statement that as per the direction of the First Appellate Authority an enquiry was made on the matter of forged signature and a copy of the enquiry report was furnished to the appellant.

The appellant submitted another letter dated 26.05.2016 requesting to nullify the report and pass order for lawful action in respect to his allegation on forged signature. Thereafter, hearing was taken by the First Appellate Authority on 20.06.2016 where the petitioner as well as the SPIO of GMDA and Asstt. Executive Engineer, GMDA was also present. From the hearing as well as after going through the issue raised by the appellant regarding forged signature in the third party letter of Smt. Deepa Sukla Baidya dated 11.05.2015 submitted to the office of the GMDA in response to the letter dated 02.05.2015, the SPIO was directed to ask the third party Smt. Deepa Sukla Baidya to verify her signature and certify whether it was her signature or forged. Accordingly Smt. Deepa Sukla Baidya was asked to certify the signature in the third party letter. She had accordingly verified all the documents relating to building permission including her letter regarding third party concerned dated 11.05.2015 and declared that all her signature are genuine and no irregularity and ambiguity was found.

The petitioner requested the Commission to investigate the signature of Smt. Deepa Sukla Baidya. The Commission observes that as per RTI Act, 2005, the Commission is to provide the information as is available. The matter of forgery of signature is not under the provision of the RTI Act, 2005. He however, requested to furnish a copy of the order of the First Appellate Authority dated 20.06.2016 and a copy of the letter of Smt. Deepa Sukla Baidya dated 12.07.2016. The Commission therefore directs the SPIO, office of the Guwahati Metropolitan Development Authority to furnish the same within 10 days from the date of receipt of this order.

With the above direction, the Second Appeal petition 17.08.2015 is hereby 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).346/2016/36 -A

Dtd. 15.07.2016

Copy to:

1. The SPIO, office of the Guwahati Metropolitan Development Authority (GMDA), Statefed Building, Bhangagarh, Guwahati, Pin-781005 for information and necessary action.
2. The First Appellate Authority/Chief Executive Officer, GMDA, Statefed Building, Bhangagarh, Guwahati-781005 for information.
3. Sri Harinarayan Pathak, Padumpukhuri, Uzan Bazaar, Guwahati-1 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar
Assam Information Commission