



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

Case No. : SIC/KP(M).347/2016  
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 04.02.2015 and his subsequent First Appeal petition dated 09.03.2015. The SPIO stated that the RTI petition dated 04.02.2015 was received and information was furnished to the petitioner vide letter dated 03.03.2015. The appellant filed his First Appeal petition dated 09.03.2015 which was dismissed on 20.03.2014 as the petitioner was absent.

The First Appellate Authority heard the matter on 08.04.2015 and directed the SPIO to furnish the documents available regarding engagement of Standing Counsel and copies of bills received from the Standing Counsel pertaining to case no. WP (C) no.4518/2006 and contempt case (C) no. 229/07 with copies of payment receipt. The First Appellate Authority however stated that copy of affidavit submitted by CEO, GMDA could not be furnished as per section 8 (1) (h) of the RTI Act, 2005 because the matter is sub-judice and disclosure of that information would impede the process of investigation or apprehension or prosecution of offenders. Accordingly, the documents relating to certified copies of bills and payment receipt of Standing Counsel as stated in the order were furnished by the SPIO to the petitioner vide letter dated 29.04.2015.

The Appellant had submitted another letter dated 27.04.2015 and 21.05.2015 requesting for copy of the affidavit pertaining to query no. 5 of his RTI application dated 04.02.2015. The First Appellate Authority reiterated his earlier decision and the appellant was intimated accordingly again on 18.05.2015 and 27.05.2015 since the matter is sub-judice.

During the hearing the petitioner insisted for a copy of the affidavit and the SPIO present stated that the matter was sub-judice.

The Commission observes that since the matter is sub-judice in the Hon'ble High Court, the same cannot be furnished to the petitioner till disposal of the case by the Hon'ble High Court.

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).347/2016/ 31 -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.
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