

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

Case No. : SIC/NLB.33/2016  
Appellant : Shri Nitul Chandra Deka.  
Respondent : The SPIO, O/o the Executive Engineer, Irrigation, Nalbari  
Division, Nalbari  
Date of hearing : 23.08.2016  
Second Appeal heard by : Shri Pinuel Basumatary,  
State Information Commissioner, Assam

**O R D E R**  
23.08.2016

The Public Authority is represented by Shri Sanjay Jyoti Das, First Appellate Authority/Executive Engineer, Irrigation, Nalbari Division and Shri Pradip Kr. Baruah, Executive Engineer, Irrigation, Karimganj Division. A Written Statement dated 05.08.2016 received from the FAA which is taken on case record.

The Appellant has sent his apology by telephone.

Perused the case record. It is seen that the Appellant had filed his Second Appeal after he failed to receive the information he had sought for through his Application dated 05.10.2015 and response to his First Appeal dated 19.11.2015.

Perused the W/S. It has been submitted that the information could not be provided to the Appellant under Section 8 (1) (h) of the RTI Act, 2005, the related matter being under departmental inquiry. The Appellant's First Appeal was responded to by a letter dated 23.11.2015 stating that the information would be provided to him on completion of the inquiry.

Heard the Executive Engineer, Nalbari Division. He submitted copies of relevant government letters relating to the departmental inquiry and the letter dated 20.08.2015 from his office to Additional Chief Engineer, Inspection and Quality Control, Assam forwarding certain MBs and the list of incumbency. He further submitted that he would be able to provide the information/documents sought for by the Appellant excepting for the information contained in MBs which are yet to be received back from the inquiry authorities and the work estimates which had been submitted to the Deputy Commissioner, Nalbari following his site inspection.

In view of the facts brought out above, the Commission hereby orders as follows –

1. The SPIO, office of the Executive Engineer, Nalbari Division shall provide the information/documents sought for by the Appellant as are available inspite of the ongoing inquiry, free of cost, within 10 days of receipt of this order; and
2. Should the Appellant be of the opinion that he would require further information, after the said inquiry process is completed, he shall write to the SPIO specifying such information/documents as he would require in due course. This communication may be made within 10 days of receipt of the information/documents from the SPIO in terms of this order.

With this, the Second Appeal Petition is disposed of.

Sd/-

Pinuel Basumatary  
State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar

Memo No. SIC/NLB.33/2016/ 20 -A

Dtd. 23.08.2016

Copy to:

1. The SPIO, office of the Executive Engineer, Irrigation Nalbari Division, Dist- Nalbari, Assam, Pin- 781037 for information and necessary action.
2. The First Appellate Authority/Executive Engineer, Irrigation Nalbari Division, Dist- Nalbari, Assam, Pin- 781037 for information.
3. Shri Nitul Chandra Deka, S/o- Shri Amulya Deka, Vill- Bargasa, P.O.- Sanekuchi, Dist- Nalbari, Assam, Pin- 781350 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar

Assam Information Commission