



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

Case No. : SIC/KP(M).433/2016
Appellant : Shri Harinarayan Pathak
Respondent : The SPIO & Joint Secretary, Govt. of Assam, O/o the Commissioner & Secretary, Industries and Commerce Department, Dispur, Assam
Date of hearing : 29.08.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
29.08.2016

The Appellant present.

The Public Authority is represented by Shri Kanchan Kr. Bhagoty, Dy. Director, office of the Commissioner of Industries and Commerce, Guwahati assisted by Shri Ritumoni Pachani, Dy. General Manager (Civil), Assam Industrial Infrastructure Development Corporation (AIIDC) and Shri Benu Borah, Asstt. Industries Officer (C), office of the Executive Engineer (CIO), Industries and Commerce Department, Guwahati. A Written Statement dated 26.08.2016 received from the SPIO/A.I.O. (Civil), office of the Executive Engineer, Industries and Commerce Department, Assam which is taken on case record.

Heard the Appellant. He submitted that he has not received the information he had sought for in complete form.

Perused the W/S. It has been submitted that in response to query no. 3 in the RTI Application a copy of the government notification dated 03.03.2001 relating to power for placement of service of officers has been provided to the Appellant. In his response, the Appellant submitted that although he had received the said information the same was not accompanied with copies file notings, cabinet decision etc. However, he accepted the information given to him for the reason that he had not specified in the Application is requested for file notings etc.

Heard the representatives of the Public Authority. It has been submitted that information had been provided to the Appellant by the SPIO, office of the AIIDC through a letter dated 30.05.2014 to all the three items in the Application.

The Appellant submitted that he had not been given the copies of file notings, cabinet decision in respect of query no. 1 and was not satisfied with the reply in response to item no. 2 of the Application which related to “financial assistance including grants/loans from government of Assam and government of India” given to AIIDC from its inception. The SPIO, office of the AIIDC submitted that AIIDC did not receive any financial assistance by way of grants or loans from government excepting funds for specific infrastructure development projects. As regards the file notings etc. in respect of query no. 1 it was submitted that the same could be provided by the government in the Industries Department as the holder of the relevant records.

Perusal of the RTI Application indicates that the information the Appellant had sought for did not relate to such funds as are stated to have been received from government.

Perusal of the case records indicate that the RTI Application had been made to the SPIO/Dy. Secretary, Govt. of Assam, Industries and Commerce Department. The SPIO transferred the said Application through his letter dated 05.05.2014 to SPIO, office of the Commissioner, Industries and

Commerce, Assam under Section 6 (3) of the RTI Act, 2005. As the information relating to query no. 1, namely documentary proof including file notings, cabinet decision etc. relating to amalgamation and placement of services of the officer and staff of the office of the Engineer i/c, Central Workshop and Manager Industrial Estate, Govt. of Assam with AIIDC is in the jurisdiction of the Industries Department the entire RTI Application ought not have been transferred and the information on query no. 1 ought to have been provided to the Applicant.

In view of the facts brought out above, the Commission is of the view that the information sought for by the Appellant through his RTI Application dated 09.04.2014 have indeed been provided excepting the information sought for by the Appellant at query no. 1 of his RTI Application. The Commission hereby orders that the SPIO, office of the Industries and Commerce Department shall furnish full information as sought for by the Appellant through query no. 1 of his RTI Application dated 09.04.2014, free of cost, within 15 days of receipt of this order.

Regarding information relating to funds received from Infrastructure Development Project by AIIDC from government, the Appellant would be at liberty to seek information by filing an appropriate RTI Application in this respect.

With this, the Second Appeal Petition is disposed of.

Sd/-
Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Deputy Registrar
Assam Information Commission

Memo No. SIC/KP(M).433/2016/ -A

Dtd. 29.08.2016

Copy to:

1. The SPIO & Joint Secretary, Govt. of Assam, office of the Commissioner & Secretary, Industries and Commerce Department, Dispur, Assam, Guwahati- 781006 for information and necessary action.
2. The SPIO, office of the Commissioner, Industries and Commerce Department, Bamunimaidam, Guwahati, Assam for information and necessary action.
3. The First Appellate Authority/Commissioner & Secretary, Industries and Commerce Department, Dispur, Assam, Guwahati- 781006 for information and necessary action.
4. Shri Harinarayan Pathak, Padumpukhuri, Uzanbazar, Guwahati, Assam, Pin-781001 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Deputy Registrar
Assam Information Commission

