
Case No. : MRN.3/2013
Complainant/ Appellant : Shri Prafulla Kr. Das
Respondent : BDO, Moirabari Development Block, Morigaon
Date of hearing : 23.8.2016
Complaint/ Second : Shri H. S. Das, IAS (Rtd)
Appeal heard by : Chief Information Commissioner, Assam

23.8.2016

1. The petitioner Shri Prafulla Kr. Das is present accompanied by his wife Smti. Anamika Das. The public authority is represented by:- (1) Shri Manoj Kr. Thakuria, SPIO, DRDA, Morigaon, (2) Md. Abdul Ali, BDO, Moirabari, (3) Shri Partha Pratim Saikia, PIO, Moirabari Dev. Block, and (4) Shri Jitendra Nath, Accountant, Moirabari Dev. Block. The second appeal petition dtd 19.3.13 is taken up for hearing in presence of both the parties in pursuance of this Commission's earlier order 05.7.16.
2. The SPIO of the office of the BDO, Moirabari has filed a written submission dtd 23.8.16 stating that he could not appear before this Commission on earlier occasions due to non-receipt of notices from the Commission. He further submitted that he has already paid a fine of Rs. 15,000.00 in compliance with this Commission's order dtd 5.7.16 in second appeal case No. SIC/MRN/2/13. The SPIO also prayed for 30 days' time to furnish the information available with him to the petitioner. Further, he prayed for review of this Commission's order dtd 5.7.16 imposing a penalty of Rs. 15,000.00 on him in the instant appeal case also.
3. The petitioner submitted that till date he has not received any information from the SPIO of the BDO's office, Moirabari. The SPIO submitted that the information sought for by the petitioner vide his RTI petition dtd 25.6.12 is related to and held by Lahkar GP during the period 2009 till the date of RTI petition i.e. 25.6.12. The BDO, Moirabari present today informed this Commission that the RTI petition was transferred by the BDO's office to the Secretary of Lahkar GP and the Secretary, Lahkar GP vide letter dtd 26.6.12 informed the petitioner that

approximate cost for photocopy of the required information will be Rs. 11,000.00. He was asked to deposit the amount to facilitate furnishing of the information.

4 The petitioner's contention is that the number of documents and the cost should have been mentioned specifically and not approximately. Therefore, he did not deposit the amount and filed first and second appeal petitions on 24.8.12 and 19.3.13 respectively before the concerned authorities.

5. In view of the above, this Commission directs the Secretary, Lahkar GP to allow the petitioner to inspect the relevant records and documents during office hours on any working day within 15 days from the date of receipt of this order and allow him to take notes and photocopies of relevant documents free of cost up to 50 copies and thereafter against payment of Rs. 2.00 for every additional page of photocopy. If any document sought for by the petitioner is not held by or is not available with the Secretary, Lahkar GP, he will inform the petitioner accordingly, stating reasons thereof.

6. As regards the prayer of the SPIO of the Office of BDO, Moirabari for review of this Commission's earlier order dated 5-7-2016, imposing a penalty of Rs. 15,000/- on him, in addition to another penalty of Rs. 15,000/- in appeal case No. SIC/MRN/2/2013, involving the same petitioner, this Commission, takes note of the petitioner's averments that:-

- (a) On earlier occasions he was absent at the time of hearing by this Commission due to non receipt of this Commission's notices;
- (b) that most of the information sought for by the petitioner are held by the Secretary, Lahkar G.P and the RTI petition dated 25-6-2012 of the petitioner was immediately transferred to Secretary, Lahkar G.P on the same day;
- (c) that the Secretary, Lahkar G.P informed the petitioner to collect the information by paying the required cost amounting to Rs. 11,000/- approximately;
- (d) that the SPIO is ready to furnish the information, which is available with him, within 30 days;
- (e) that he has already paid the penalty of Rs. 15,000/- in another second appeal case No. SIC/MRN/2/13 , and
- (f) that the fine of Rs. 15,000/- in the instant case was ordered ex-parte,

7. This Commission, after hearing the SPIO of the office of BDO, Moirabari, reviews its earlier order dated 5-7-2016 and withdraws the penalty of Rs. 15,000/- imposed on the SPIO of Moirabari BDO's office. He is however, directed to furnish

the information available with him to the petitioner by way of allowing the petitioner to inspect relevant records and documents during office hours on any working day within 15 days from the date of receipt of this order and also allow him to take notes and photocopies of relevant documents free of cost up to 25 copies and thereafter on payment of Rs.2.00 for every additional page of photocopy.

With the above order, the second appeal petition dtd 19.3.13 is disposed of.

Sd/-
(H. S. Das)
Chief Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/MRN.3/2013/48-A

Dtd. 23.8.2016

Copy to:

1. The SPIO of the Block Dev. Officer, Moirabari Dev. Block, PO- Moirabari, dist. Morigaon, Assam, PIN-782105 for information and necessary action.
2. The Secretary, Lakhar Gaon Panchayat, PO- Dhing, Dist. Nagaon, Assam for information and necessary action.
3. Shri Prafulla Kr. Das, Vill- Athgaon Chapari, PO- Dhing, Dist. Nagaon, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.

Registrar
Assam Information Commission