

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

Case No. : **KP(M) 199/2016**

Complainant/ appellant : **Sri Utpal Das**

Respondent : **Deputy Commissioner, Kamrup (Metro)**

Date of hearing : **06-9-2016**

Complaint/ Second : **Shri H. S. DAS, IAS(Retd)**
appeal heard by : **State Chief Information Commissioner, Assam**

O R D E R

The petitioner Sri Utpal Das is present. The public authority is represented by :-
Smti Jyotsna Medhi Patgiri, ACS, SPIO of the office of Deputy Commissioner, Kamrup (Metro)

The second appeal petition dated 8-4-2016 with reference to the petitioner's RTI petition dated 31-10-2015 is taken up for hearing in presence of both the parties.

From perusal of the case records, it is seen that the petitioner Sri Utpal Das filed an RTI petition dated 31-10-2015 addressed to the PIO of the office of Deputy Commissioner, Kamrup (Metro) seeking various informations about Kamakhya Debottar Board and Kamakhya Devalaya against 5 points. Point No. 1 of the RTI application deals with various aspects of financial management and financial records of Kamakhya Debottar Board for the period from 1998 to 2015. The information sought for appears to be voluminous.

The SPIO of the office of the Deputy Commissioner, Kamrup (Metro) has submitted a written submission dated 6-9-2016 which is entered into the case records.

It appears from the written statement and enclosed papers that the Deputy Commissioner, Kamrup (Metro's) office tried to obtain the required information from the Kamakhya Debottar Board, but the letter from the Deputy Commissioner's office in this regard was not received by the Administrator, Kamakhya Debottar Board. It is also seen that in his capacity as the First Appellate Authority, the Deputy Commissioner, Kamrup (Metro) heard and passed an order on 1-3-2016 directing the Circle Officer, Guwahati Revenue Circle to furnish the required information directly to the petitioner within 30 days from the date of receipt of the order. However, the petitioner/appellant deposed that he did not receive any information even after the above mentioned order dated 1-3-2016 of the First Appellate Authority. He further submitted that his RTI petition was filed after the Hon'ble Supreme Court of India's order dated 25-10-2011, directing the District Administration of Kamrup (Metro) to ensure that the Debottar Board vacates the premises and other properties of Ma Kamakhya Temple within 4 weeks. The Deputy Commissioner and the First Appellate Authority passed order dated 1-3-2016 directing the Circle Officer, Guwahati Revenue Circle to furnish the required information to the petitioner within 30 days. It may, therefore, be inferred by implication that the sought for information were available with the Deputy Commissioner or with the Circle Officer of Guwahati Revenue Circle.

Now the issues are :-

1. **Who is the holder of the sought for information – is it the Deputy Commissioner in compliance with the Hon'ble Supreme Court of India's order dated 25-10-2011 or the Circle Officer of Guwahati Revenue Circle? and,**
2. **If both of them are not, then who else is holding the information;**

In view of the above, this Commission directs the Deputy Commissioner, Kamrup, (Metro) to furnish the following information to the petitioner within 30 days from the date of receipt of this order :-

- (1) ***whether the sought for information is available with the Deputy Commissioner or the Circle Officer, and if so, with whom;***

(2) *If answer to (1) above is 'yes' , then when will the sought for information will be available for inspection by the petitioner;*

(3) *If the information is not available with the Deputy Commissioner, as it appears from the Circle Officer's letter dated 4-3-2016 addressed to the SPIO of Deputy Commissioner, Kamrup (Metro) District, then the SPIO will inform the petitioner within 30 days from the date of receipt of this order as to with whom the information is available and whether it can be accessed by the Deputy Commissioner or any other public authority under any law for the time being in force with reference to the last part of Section 2(f) of the RTI Act.*

With the above order, the 2nd appeal petition dated 8-4-2016 is disposed of.

**Sd/-
(H.S.Das)**

**Chief Information Commissioner, Assam
Panjabari, Guwahati**

**Authenticated true copy.
Sd/-
Registrar
Assam Information Commission**

Memo No.SIC/KP(M) 199/2016/ 29-A

Dated.06-09-2016

Copy to:

1. Smti Jyotsna Medhi Patgiri, ACS, SPIO of the office of Deputy Commissioner, Kamrup (Metro) for information and necessary action.
2. Sri Utpal Das. Forum of Conscious Citizen, Chatribari, Old Fire Brigade Lane No. (E-7) , Guwahati- 781 008 for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

**Registrar
Assam Information Commission**