

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

Case No. : SIC/DHR.3/2014
Appellant : Md. Salim Ahmed.
Respondent : The SPIO, O/o the Deputy Manager, Lakhipur Electrical
Sub-Division, APDCL, LAZ, Goalpara
Date of hearing : 20.09.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
20.09.2016

The Public Authority is represented Md. Salim Ahmed, SPIO/SDE, Lakhipur Electrical Sub-Division, LAZ, Goalpara along with an assistant of his office. Written Statements dated 19.09.2016 and 18.08.2016 have been received from the SPIO and the First Appellate Authority/ Assistant General Manager, Lakhipur Electrical Division, APDCL, Goalpara respectively.

The Appellant present.

Perused the W/S. It has been submitted that the information sought for was not provided by his predecessor. The SPIO has however not indicated what action he has taken after he received the Commission's hearing notices dated 09.08.2016 and 16.08.2016. He has also not explained as to why penalty shall not be imposed on him under Section 20 (1) of the RTI Act, 2005 for his failure to furnish the information to the Applicant within the stipulated period of 30 days.

Heard the Appellant. He submitted that he has not received the information he had sought for or any correspondence from the SPIO to his RTI Application dated 07.08.2013. He has also not received any response in respect of his First Appeal dated 08.10.2013.

Perused the W/S received from the FAA/A.G.M., Goalpara Electrical Division, APDCL. It has been submitted that some information available in his office had been provided to the Appellant along with a request to deposit the estimated cost of photocopying through a letter no. AGM/GED/T/RTI/2013/557 dated 20.12.2013. Neither a copy of the said letter has been enclosed with the W/S nor any evidence produced of dispatch of the letter. Further, it has been submitted that the PIO/Deputy Manager, Lakhipur Electrical Sub-Division was directed to provide the information based on information hold by that Sub-Division. The Appellant submitted that he had indeed received the letter through which the PIO/Deputy Manager had been directed to provide the information but had not received the said letter dated 20.12.2013 and therefore was not aware of the requirement to deposit the cost of photocopying.

In view of the facts brought out above and considering that the information was not provided for within the time stipulated by the Act, the Commission hereby orders that SPIO, office of the Deputy Manager, Lakhipur Electrical Sub-Division, APDCL, LAZ, Goalpara shall provide the information applied for by the Appellant, free of cost, within 10 days of receipt 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
Assam Information Commission

Copy to:

1. The SPIO, office of the Deputy Manager, Lakhipur Electrical Sub-Division, APDCL, LAZ, Goalpara, Dist- Goalpara, Assam for information and necessary action.
2. The First Appellate Authority/Assistant General Manager, Lakhipur Electrical Division, APDCL, Bhalukdubi, Goalpara, Dist- Goalpara, Assam for information.
3. Md. Salim Ahmed, S/o- Lt. Foyez Uddin, Vill- Bauluri, P.O.- Chirakuti Bazar, Dist- Dhubri, Assam, Pin- 783330 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar

Assam Information Commission