



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

Case No. : SIC/BPT.98/2016
Complainant : Shri Raj Kumar Das.
Respondent : The SPIO, O/o the Assam Power Generation Corporation Limited, Bijulee Bhawan.
Date of hearing : 28.10.2016
Complaint heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
28.10.2016

Shri Dhrubajyoti Bora, SPIO and DGM (P & P), APGCL, and Shri Porag Jyoti Ligira, PIO (Technical), APGCL present. The SPIO/DGM (P & P), APGCL has submitted a Written Statement dated 18.10.2016 which is taken on record.

The Complainant absent. He has submitted a Written Statement dated 09.10.2016 which is taken on record.

Perused the Written Statement of the Complainant. It has been submitted that he has not received the information he had sought for. He was aggrieved that his RTI Application was not forwarded to the concerned Public Authority and has alleged that when the Application was finally transferred to the PIO, APDCL, the letter was backdated as 31.08.2016 and sent by Registered Post on 03.10.2016 and received by him on 04.10.2016. He has reiterated the Appeal made by him in his Complaint dated 20.08.2016, namely 1) impose maximum penalty under section 20 (1) of the Act and 2) recommend disciplinary action under section 20 (2) of the Act.

A perusal of the Written Statement of the Complainant indicated that the Complainant has not submitted any evidence to show that the SPIO's aforementioned letter dated 31.08.2016 was sent by Registered Post on 03.10.2016. It appears unlikely that, if the letter was sent by Registered Post on 03.10.2016, it would be received by him at his Barpeta address on the very next day.

Perused the Written Statement of the SPIO. It is seen that on its receipt the RTI Application dated 03.08.2016 was first forwarded to the executing authority namely CGM (H & C), APGCL through a letter dated 04.08.2016. As the information was not available with that authority, the Application was then forwarded to the Finance Wing, and finally transferred through a letter dated 31.08.2016 to the SPIO, APDCL.

From the Written Statement, it appears the SPIO caused unnecessary delay in furnishing the information and forwarding the Application to various authorities within the Public Authority without ascertaining the appropriate authority. The Commission is of the view that the issues raised by the Complainant through his Complaint submitted to the Commission under section 18 (1) of the RTI Act, 2005 dated 20.08.2016 and Written Statement dated 09.10.2016 calls for specific response from the SPIO.

The Commission, therefore, hereby orders that the SPIO/DGM (P & P), APGCL, Guwahati shall furnish a detailed response to the issues raised in the aforementioned Complaint and Written Statement submitted by the Complainant Shri Raj Kumar Das directly to the Complainant within 15 days of receipt of this order.

Provide a copy of the Complainant's Written Statement dated 09.10.2016 to the SPIO.

The Complainant shall be at liberty to approach the Commission again if he is not satisfied with the explanations given by the SIPO/DGM (P & P), APGCL, Bijulee Bhawan, Guwahati.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar
Assam Information Commission

Memo No. SIC/BPT.98/2016/22-A -A

Dtd. 28.10.2016

Copy to:

1. The SPIO, office of the Assam Power Generation Corporation Limited, Bijulee Bhawan, Paltanbazar, Guwahati – 781 001 for information and necessary action.
2. Shri Raj Kumar Das, House No. 133, Ward No. 13, P.O.-Barpeta, Budarurtup, District – Barpeta, Assam, Pin – 781 301 for information.
3. Computer Section for uploading in the Website.
4. Office File.

Deputy Registrar

Assam Information Commission