

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

Case No. : SIC/NGN.99/2016  
Appellant : Shri Durgeswar Das  
Respondent : The SPIO, O/o the CDPO, Kaliabor ICDS, Nagaon  
Date of hearing : 16.11.2016  
Second Appeal heard by : Shri Pinuel Basumatary,  
State Information Commissioner, Assam

**O R D E R**  
16.11.2016

Shri Uttam Adhikari, Child Dev. Project Officer, Kaliabor ICDS Project and the SPIO is present. He submitted a Written Statement dated 16.11.2016.

The Appellant, Shri Durgeswar Das is present.

Heard the Appellant. He submitted that considering that no specific time period had mentioned in respect of information sought at Point No. 11 of his RTI Application, he was prepared to forgo the same.

Heard the SPIO. He submitted that on receipt of the RTI Application dated 15.02.2016 on 23.02.2016, he had issued a letter to the Applicant on 01.03.2016 requesting to deposit an amount of Rs. 4000/- as cost of photocopying. As no response was received a reminder was issued on 19.04.2016. The information could not be furnished for want of receipt from the Applicant.

Perused the Written Statement. The aforesaid information has been stated therein.

The Applicant submitted that he had not received any communication stated to have been made by the CDPO.

From perusal of the case record and the personal deposition it is seen that the SPIO had sent his letters to the Appellant by ordinary post and has no evidence of posting in the form of postal receipt etc.

In the instant case, the FAA/DSWO, Nagaon has not disposed of the First Appeal dated 21.03.2016 in accordance with the RTI Act, 2005 and as thus failed to facilitate furnish of information to the Appellant within the stipulated time. It is seen that after receiving the Commission's notice, the FAA had written a letter to the CDPO directing the latter to furnish the information

In view of the facts brought out above, the Commission hereby orders that the SPIO shall provide information sought for by the Appellant, free of cost, within 15 days of receipt of this order excepting Point No. 11 of his RTI Application.

Further, the SPIO is advised to keep evidence of posting/dispatch of written communication to the RTI Applicant in the future.

Furthermore, the FAA/DSWO, Nagaon is hereby advised to dispose of the First Appeals within the time stipulated in the said Act by passing speaking order after due hearing of the parties concerned. In the instant case, had the FAA/DSWO, Nagaon taken hearing to dispose of the First Appeal within 30 days' time, the fact of the Appellant not having received the SPIO's letters could have come to light and thus facilitated appropriate action in time.

The Second Appeal case is hereby disposed of.

Sd/-

Pinuel Basumatary

State Information Commissioner, Assam  
Panjabari, Guwahati

Sd/-

Dy. Registrar

Assam State Information Commission

Copy to:

1. The SPIO, O/o the CDPO, Kaliabor ICDS, Nagaon for information and necessary action.
2. The First Appellate Authority/District Social Welfare Officer, Nagaon for information.
3. The Appellant, Shri Durgeswar Das, Residence of Christian Patty, PO- Nagaon, Nagaon-782 001, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Dy. Registrar  
Assam State Information Commission