

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

Case No. : SIC/NGN.68/2016  
Appellant : Shri Durgeswar Das  
Respondent : The SPIO, O/o the BDO, Batadrava Dev. Block, Nagaon  
Date of hearing : 15.11.2016  
Second Appeal heard by : Shri Pinuel Basumatary,  
State Information Commissioner, Assam

**O R D E R**  
15.11.2016

The SPIO, O/o the BDO, Batadrava Dev. Block, Nagaon absent without information.

The First Appellate Authority/CEO, Zila Parishad, Nagaon is neither present nor has he apprised the Commission in writing about the steps he might have taken to dispose of the First Appeal petition within the stipulated time period.

The Appellant, Shri Durgeswar Das is present. He has submitted that he has not received the information he had sought for.

As the instant RTI Application dated 28.12.2015 is stated to be pending for over nine months and the First Appeal dated 03.02.2016 is stated to be pending for disposal by the FAA, the Commission decided to go ahead with the proceedings of hearing of the Second Appeal *ex parte* of the Public Authority.

The Appellant submitted that he had not received positive response and cooperation from the SPIO and the FAA when he met them personally several times.

The SPIO has not given any Written Statement required by the Commission's Hearing Notice and has not explained as to why penalty U/S 20 (1) of the RTI Act, 2005 shall not be imposed on him for his failure to furnish the information sought for within the stipulated time period.

In view of the facts brought out above, the Commission hereby orders as follows-

- (i) The SPIO, O/o the BDO, Batadrava Dev. Block, Nagaon shall provide the information sought for by the Appellant, free of cost, within a period of 15 days of receipt of this order.
- (ii) The SPIO shall explain in writing as to why penalty U/S 20 (1) of the RTI Act, 2005 shall not be imposed on him for his failure to furnish the information sought for within the stipulated time period. The explanation may be submitted to the Commission within 21 days of receipt of this order.
- (iii) The next date of hearing may be fixed in 5 weeks' time.

Sd/-

Pinuel Basumatary  
State Information Commissioner, Assam  
Panjabari, Guwahati

Sd/-

Dy. Registrar  
Assam State Information Commission

Copy to:

1. The SPIO, O/o the BDO, Batadrava Dev. Block, Nagaon for information and necessary action.
2. The First Appellate Authority/CEO, Zila Parishad, 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