



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

Case No. : BNG.1/2017
 Complainant/ Appellant : Md. Mohibul Hoque & Shri Bimal Das
 Respondent : Executive Engineer, Dhubri water Resources Division.
 Date of hearing : 07.02.2017
 Complaint/ Second : Shri H. S. Das, IAS (Rtd)
 Appeal heard by : Chief Information Commissioner, Assam

O R D E R

07.02.17

The petitioners Md. Mohibul Hoque and Shri Bimal Das – both are absent without any information. Nor have they submitted any prayer for the deferment of the date of hearing. The public authority is represented by:- (1) Shri Amar Teron, Asstt. Executive Engineer (TC), Dhubri Water Resources Division, Dhubri, (2) Shri Sovan Saha, Asstt.Executive Engineer (A), Abahyapuri water Resources Sub-Division, and (3) Md. Mizanur Rahman, S.A., Dhubri W.R. Division, Dhubri. The second appeal petition dated 31.12.16 is taken up for hearing ex-parte in the absence of the petitioner.

From perusal of the case records it is seen that the petitioners filed an RTI petition dated 19.8.16 seeking various informations about scheme named “Anti erosion measures to protect IWA terminal area of Jogighopa from the erosion of river Brahmaputra (Phase-II) in the year 2015”. The AEE (TC) of Jogighopa Water Resources Sub-Division, who was present today produced before this Commission their office records showing that the petitioners’ RTI petition dated 19.8.16 was received in their office on 24.8.16. Soon thereafter on 29.8.16 the concerned SPIO cum AEE (TC), Dhubri Water Resources Division wrote to the petitioner to deposit ₹ 1250.00 towards cost of furnishing the information. But the petitioners did not deposit the cost, instead they filed a first appeal petition before the Chief Engineer, Water Resources Department vide their letter dated 24th October, 2016. To this the petitioners were informed by the Asstt. Chief Engineer of Water Resources Department, Assam vide letter dated 4.11.16 to file their first appeal petition before the Executive Engineer, Dhubri Water Resources Division, who is designated first appellate authority.

From perusal of the second appeal petition dated 31.12.16 it appears that the petitioners mistook the advice given by the Asstt. Chief Engineer of the office of the Chief Engineer, Water Resources Department, Govt. of Assam vide letter dated 4.11.16 to submit first appeal before the Executive Engineer, Dhubri WR Division as a transfer of the first appeal petition to the Executive Engineer, which is not the case. In other words the petitioners are yet to submit their first appeal petition before the Executive Engineer, Dhubri W.R. Division due to their misunderstanding.

This Commission, therefore directs the petitioners either to deposit the amount ₹ 1250.00 as was advised by the Asstt. Executive Engineer (TC) vide their letter dated

29.8.16 as mentioned above or file a fresh first appeal petition before the Executive Engineer of Dhubri Water Resources Division, who may condone the delay beyond 30 days as is provided for u/s 19 (1) of the RTI Act, 2005. The petitioners are further directed to take actions as above within 15 days from the date of receipt of this order.

With the above order the second appeal petition dated 31.12.16 is disposed of.

Sd/-
(H. S. Das)
Chief Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/BNG.1/2017/13-A

Dtd. 07.02.2017

Copy to:

1. The Assistant Executive Engineer & SPIO of the office of the Executive Engineer (TC), Water Resources Division, Dhubri for information and necessary action.
2. Md. Mohibul Hoque, Ward No. IV, PO- Abhayapuri, Dist. Bongaigaon, Assam, PIN- 783384 for information.
3. Shri Bimal Ch. Das, Vill- Khudranarikola, PO- Bongaigaon, Dist. Bongaigaon, PIN-783384 Assam for information
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.

Registrar
Assam Information Commission