

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

Case No. : SIC/OS.68/2016
Appellant : Shri Devinder Sharma
Respondent : The SPIO, O/o the District Transport Officer, Nalbari
Date of hearing : 01.03.2017
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
01.03.2017

The Appellant is absent but has sent a Written Statement dated 16.02.2017.

The SPIO is absent without information. However, the Commission has decided to conduct the hearing proceedings *ex parte* considering the compliance of non-compliance submitted by the Appellant.

The SPIO has not submitted any Written Statement and also has not explained in writing as to why penalty U/S 20 (1) of the RTI Act, 2005 should not be imposed on him for his failure to furnish the information sought for by the Appellant within the time stipulated.

The First Appellate Authority/State Transport Commissioner has not apprised the Commission about the action taken to dispose of the First Appeal dated 04.11.2016 submitted to him by the Appellant either by a written submission or by his personal attendance or by deputing his authorized representative on the date of hearing.

Perused the W/S of the Appellant. It has been submitted that he has not received information he had sought for through his RTI Application dated 14.01.2016 and inspite of the direction issued by the FAA/State Transport Commissioner in response to his First Appeal through a letter dated 30.01.2017. He is aggrieved with the delay on the part of the District Transport Officer, Nalbari which is a violation of the RTI Act, 2005 and that the delay has caused great inconvenience to him in concluding his report for settlement of his insurance claims.

From the perusal of the W/S and the case record and his absence in today's hearing and failure to help the Commission in arriving at an appropriate decision, the Commission determines that the SPIO, O/o the District Transport Officer, Nalbari has persistently failed to furnish the information sought for through the RTI Act, 2005, firstly by failing to do so within the stipulated period of 30 days of receipt of the Application, then after receiving the direction from the FAA and thereafter after receiving the Commission's Hearing Notice dated 19.01.2016.

The SPIO has not availed himself of the opportunity of being heard on the notice for explanation as to why penalty should not be imposed on him as stated above.

Now therefore after a careful consideration of the facts of the case, the Commission hereby orders as follows-

(i) The SPIO, O/o the District Transport Officer, Nalbari shall furnish the information sought for by the Appellant, free of cost, by Registered Post, within 10 days of receipt of this order.

(ii) The SPIO, O/o the District Transport Officer, Nalbari shall explain in writing as to why penalty U/S 20 (1) of the RTI Act, 2005 should not be imposed on him for his failure to furnish the information sought for by the Appellant within the time stipulated. The explanation shall be submitted to the Commission within 15 days of receipt of this order. If no explanation is received within this time, the Commission may decide to impose penalty on the SPIO without further personal hearing.

Bring up the case in 8 (eight) weeks' time with the status of compliance or non-compliance of this order.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Sd/-

Dy. Registrar
Assam State Information Commission

Memo No. SIC/OS.68/2016

Dtd. 01.03.2017

Copy to:

1. The SPIO, O/o the District Transport Officer, Nalbari, Assam for information and necessary action.
2. The First Appellate Authority/State Transport Commissioner, Dispur, Guwahati- 781 006 for information.
3. Shri Devinder Sharma, AIII Investigator, Krishna Cottage, Dayal Bagh, Ambala Cantt- 133 001, (HR) for information.
4. Computer Section for uploading in the Website.
5. Office File.

Dy. Registrar
Assam State Information Commission