



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

Case No. : SIC/NGN.71/2016  
Appellant : Shri Manik Goswami  
Respondent : The SPIO, O/o the Secretary, M/s Buragaon S.S. Ltd., Nagaon  
Date of hearing : 23.02.2017  
Second Appeal heard by : Shri Pinuel Basumatary  
State Information Commissioner, Assam

**O R D E R**  
23.02.2017

The SPIO, O/o the Secretary, M/s Buragaon S.S. Ltd., Nagaon is absent without information.

The Appellant, Shri Manik Goswami is present.

Heard the Appellant. He has not received the information he had sought for in response to his RTI Application dated 14.12.2015.

As it is over 13 (thirteen) months since the RTI Application was made and the Appellant has not received the information, the Commission decided to conduct the hearing proceedings *ex parte*.

Perused the case record. It is seen that the SPIO has not submitted any Written Statement and also 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 within the time stipulated.

The RTI Application was transferred by the SPIO, O/o the Assistant Director, Food & Civil Supply, Hojai through a letter no. HJS(RTI)90/2015/2 dated 23.12.2015.

The lack of response by the Secretary of the M/s Buragaon S.S. Ltd. is not acceptable for the reason that there is no evidence that he had furnished the information sought for and he has not bothered to either be present in today's hearing or apprise the Commission the status of the case. This is particularly an aggravated situation considering that the date of hearing was deferred twice after it was scheduled to 23.11.2016.

In the absence of the SPIO and no W/S from him, the submission made by the Appellant could not be verified.

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

- (i) The SPIO, O/o the Secretary of the M/s Buragaon S.S. Ltd., Nagaon shall furnish the information sought for by the Appellant, free of cost, within 10 days of receipt of this order.
- (ii) The SPIO, O/o the Secretary of the M/s Buragaon S.S. Ltd., Nagaon shall explain 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 within the time stipulated. The explanation should be submitted to the Commission within 15 days of receipt of this order.

Sd/-

Pinuel Basumatary  
State Information Commissioner, Assam  
Panjabari, Guwahati

Sd/-

Dy. Registrar

Assam State Information Commission

Copy to:

1. The SPIO, O/o the Secretary, M/s Buragaon S.S. Ltd., Nagaon for information and necessary action.
2. The First Appellate Authority/Asst. Director, Food & Civil Supply, Hojai, Sankardev Nagar for information.
3. Shri Manik Goswami, Barpukhuri, PO- Bhalukmari, PS- Lonka, Nagaon- 782 442, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Dy. Registrar  
Assam State Information Commission