

Case No. : **KP(M).147/2017**
Complainant/ Appellant : **Sri Joydeb Das**
Respondent : **Commissioner of Taxes, Assam**
Date of Hearing : **03-5-2017**
Complaint/ Second : **Shri H. S. Das, IAS (Retd)**
appeal heard by : **State Chief Information Commissioner, Assam**

O R D E R
03-5-2017

The petitioner Sri Joydeb Das is present. The public authority to be represented by the Assistant Commissioner of Taxes, Guwahati , Unit-'C' is absent. However, he has sent a written statement dated 26-4-2017 stating that the informations sought for by the applicant Sri Joydeb Das vide his RTI petition dated 4-10-2016 have already been furnished to the petitioner.

The petitioner also admitted that he has received the informations sought for by the Superintendent of Taxes, Guwahati, Unit 'C' vide letter dated 4-2-2017. He submitted that he is not satisfied with the informations furnished against point No. 1(a) and 1 (d) of his RTI petition dated 4-10-2016.

The Superintendent of Taxes , Guwahati , Unit-'C' informed the petitioner by his communication dated 4-2-2017 that the documents submitted by M/S Darjeeling Gardens Pvt. Ltd, ABC, G.S. Road, Guwahati belongs to a third party information and it can therefore, be furnished with the third party consent. The Superintendent of Taxes also enclosed his letter dated 4-2-2017 addressed to the third party, namely M/S Darjeeling Gardens Pvt. Ltd asking them if they have any objection in furnishing the sought for documents to the petitioner.

As regards point No. 1(d), the petitioner wanted copies of counter foils of road permits or delivery notes utilized by M/S Darjeeling Gardens Pvt. Ltd. during the period 2012 till 4-10-2016. Against this information sought for, the Superintendent of Taxes, Unit-'C' mentioned in his communication dated 4-2-2017 addressed to the petitioner, Sri Joydeb Das that the same are not traceable in his office. He, however, furnished statement with regard to delivery notes issued to M/S Darjeeling Gardens Pvt. Ltd during the period 2011-12 to 2015-16 showing the book numbers, Sl. Nos., quantity of leaves and date of issue. The petitioner submitted that since the Superintendent of Taxes, Unit 'C' can furnish the above-mentioned statement , the informations sought for by him , i.e., the counter foils of the delivery notes issued or the utilized delivery notes have to be available in the office of Superintendent of Taxes. The petitioner, therefore, submitted that if the photocopies of the counter foils of the delivery notes issued cannot be furnished then he will be satisfied, if he is furnished with copies of the delivery notes utilized by the concerned Firm, namely M/S Darjeeling Gardens Pvt. Ltd.

In view of the above, this Commission passes the following orders:-

- (i) Since 40 days have already elapsed from the date of submission of the RTI petition on 4-10-2016, the Superintendent of Taxes , Unit-‘C’ will give a hearing to the third party immediately, in any case within 25-5-2017 and take a decision by way of a speaking order whether or not to disclose the information sought for by the petitioner vide point No. 1(a) of his RTI petition and give a copy thereof to the petitioner as well as the third party.
- (ii) The Superintendent of Taxes , Unit-‘C’ is directed to furnish copies of the delivery notes utilized by M/S Darjeeling Gardens Pvt. Ltd, ABC, G.S. Road, Guwahati as sought for by the petitioner with reference to point No. 1(d) of his RTI petition within 15 days from the date of receipt of this order.

Fix P. 3-6-2017 at 1.00 PM for review of compliance.

Sd/-

**(H. S. Das)
State Chief Information Commissioner,
Assam**

Authenticated true copy

Sd/-

**Registrar
Assam Information Commission**

Memo No SIC/ KP(M).147/2017 /15-A

Dated 03-5-2017

Copy to:-

- 1) Assistant Commissioner of Taxes, Guwahati , Unit-‘C’ , Kar Bhawan, Guwahati, Guwahati-6 for information and necessary action as ordered above.
- 2) Sri Joydeb Das, S/O Late Karunamoy Das, House No-16, Kushal Konwar Road, Near Mayur Krishna Cinema Hall, Ambari Fatashil , Guwahati-25 for information
- 5) Computer Section for uploading in the Website.
- 6) Office file.
- 7) Order Book.

**Registrar
Assam Information Commission.**