

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

Case No. : SIC/DHR.1/2017
Appellant : Md. Mozharul Islam
Respondent : The SPIO, O/o the Sub-Divisional Engineer, Lakhipur
Electrical Sub-Division, Goalpara
Date of hearing : 12.07.2017
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R

12.07.2017

Shri Dhaneswar Das, Sub-Divisional Engineer and Shri Akash Sen Choudhury, JM Lakhipur Electrical Sub-Division are present. They have submitted Written Statement dated 17.05.2017 and also a Written Statement dated 16.05.2017 from the SPIO/Assistant General Manager, Goalpara Electrical Division to whom the First Appeal had been submitted.

The Appellant is absent without information.

Perused the Written Statements and heard the SDE. It has been submitted that the Applicant had been requested to deposit an amount of Rs. 318 (Rupees three hundred eighteen) as cost of photocopying with detailed breakup thereof through a letter dated 08.09.2016. In response, the Applicant had submitted that he had received the said letter on 17.09.2016, i.e. after expiry of the stipulated 30 days' and therefore the cost was not payable by him. The SDE reminded the Applicant through a letter dated 05.10.2016 to deposit the cost of photocopying stating that the cost could not be waived. A copy of the said letter has been enclosed which bears acknowledgement of receipt on the same day by the Appellant. As for the First Appellate Authority, the First Appeal dated 12.10.2016 was disposed of through a letter dated 11.11.2016. The Appellant was informed of the action taken by the SPIO.

Perused the case record. In his Second Appeal, the Appellant had stated, that without mentioning the receipt of the communications from the SPIO regarding the cost of photocopying mentioned above, that he had not received the information. The date of the Second Appeal was 02.01.2017 whereas he had received the SDE's letter dated 08.09.2016 on 17.09.2016 and a letter dated 05.10.2016 on the same day as mentioned above.

In the absence of the Appellant in today's hearing or any Written Statement from him, the Commission could not determine as to why he had not mentioned the receipt of the said letters relating to the payment of the cost of photocopying. According to the chronology of the correspondences, the SDE had responded to the RTI Application dated 10.08.2016, received the next day, within the stipulated 30 days' and it was therefore in order that the cost of photocopying be paid by the Applicant.

Considering that the Public Authority had taken appropriate action within the time stipulated by the RTI Act, 2005 and that the Appellant did not fulfill his obligations in spite of having known of the requirements, the Second Appeal is hereby dismissed as not tenable.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-

Joint Registrar
Assam State Information Commission

Memo No. SIC/DHR.1 /2017/

Dtd. 12.07.2017

Copy to:

1. The SPIO, O/o the Sub-Divisional Engineer, Lakhipur Electrical Sub-Division, Goalpara, Assam for information and necessary action.
2. The First Appellate Authority/Assistant General Manager, Goalpara Electrical Sub-Division, APDCL, Goalpara, Assam for information.
3. The Appellant, Md. Mozharul Islam, S/o- Lt. Abdul Hye Miah, Vill- Poravita, PO- Jamadarhat, Dist- Dhubri, Pin- 783 330, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Joint Registrar
Assam State Information Commission