



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

Case No. : SIC/KMJ.31/2017
Appellant : Shri Mahul Chowdhury
Respondent : The SPIO, O/o the Karimganj Municipality Board, Karimganj
Date of hearing : 08.08.2017
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R

08.08.2017

The Appellant, Shri Mahul Chowdhury is present.

The SPIO absent without information.

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 should not be imposed on him for his failure to furnish the information within the time stipulated.

The First Appellate Authority/Chairperson, Karimganj Municipality Board, Karimganj has not apprised the Commission about the steps she might have taken to disposed of the first Appeal dated 30.12.2016 in accordance with the RTI Act, 2005.

Heard the Appellant. He submitted that his RTI Application dated 25.11.2016 was delivered by a messenger to the SPIO's office and receipt acknowledged on the same day. On not receiving the information he filed his First Appeal dated 30.12.2016 before the FAA/Chairperson, KMB, Karimganj. Thereafter he sent a reminder dated 07.02.2017. It was only after receiving the reminder that the Chairperson responded to the Appellant in writing through a letter dated 08.03.2017 informing that the concerned official was on leave and requested for another 20 days' time to furnish the information. However, the Chairperson did not redeem her pledge, and therefore the Appellant submitted his Second Appeal dated 16.06.2017.

As the Appellant is present and over eight months have passed since the submission of the Application, the Commission decided to conduct the hearing proceedings *ex parte* of the SPIO.

In the absence of the SPIO and any Written Statement from him or the FAA, the Commission could not determine as to whether any action was taken in the meantime for furnishing the information. However, in view of the submission by the Appellant and in the absence of evidence to the contrary, the Commission concludes that the SPIO has failed in his duty to furnish the information to the information seeker and to discharge his responsibility as enjoined upon him by the RTI Act, 2005. The SPIO has not only failed to furnish the information within the stipulated 30 days but also to redeem the subsequent assurance given by none other than the Chairperson of KMB, Karimganj to furnish the information in 20 days from the date of aforementioned letter.

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

- (i) The SPIO, O/o the Karimganj Municipality Board, Karimganj shall furnish the information to the Appellant, free of cost, within 10 days of receipt of this order, and

- (ii) The SPIO, O/o the Karimganj Municipality Board, Karimganj shall submit an explanation 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 within the time stipulated. The explanation shall be submitted to the Commission within 15 days of receipt of this order.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-

Joint Registrar
Assam State Information Commission

Memo No. SIC/KMJ.31/2017/11-A

Dtd.08.08.2017

Copy to:

1. The SPIO, O/o the Karimganj Municipality Board, Shahid Sarani (Main Road), Dist- Karimganj, Assam, Pin- 788 710 for information and necessary action.
2. The First Appellate Authority/ Chairperson, Karimganj Municipality Board, Shahid Sarani (Main Road), Dist- Karimganj, Assam, Pin- 788 710 for information.
3. The Appellant, Shri Mahul Chowdhury, Nilmani Road, PO & Dist- Karimganj, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Joint Registrar
Assam State Information Commission

