



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

Case No. : KP(M). 685/2017
 Complainant/ Appellant : Shri Utpal Das Das
 Respondent : Guwahati Metropolitan Development Authority,
 Bhangagarh, Guwahati
 Date of hearing : 09.08.2017
 Complaint/ Second : Shri H. S. Das, IAS (Rtd)
 Appeal heard by : Chief Information Commissioner, Assam

O R D E R

09.08.17

The petitioner Shri Utpal Das is present. The public authority, i.e., Guwahati Metropolitan Development Authority (GMDA) is represented by the SPIO, Shri Hitesh Sarma Medhi accompanied by JAA, GMDA, Shri Phulen Saharia. The complaint petition dated 10.7.17 is taken up for hearing in presence of both the parties. The petitioner stated that he is still interested in getting the sought for information and made a written prayer to convert the complaint petition into a second appeal petition. His prayer is granted and the second appeal petition is taken up for hearing accordingly.

From perusal of the records it is seen that vide his RTI petition dated 11.4.17 the petitioner wanted certain informations about construction of a room in Borsola Beel, which is a water body situated on sarkari land. It is also seen that vide letter dated 9.6.17 the SPIO of GMDA informed the petitioner that his RTI petition dated 11.4.17 was transferred to the SPIOs of the office of the Deputy Commissioner, Kamrup (M) and the Guwahati Municipal Corporation (GMC) for taking necessary action. The SPIO of GMDA submitted a written statement dated 9.8.17 before this Commission reiterating the above position and enclosing copies of their letters dated 12th May, 2017 transferring the petitioner's RTI petition dated 11.4.17 to the SPIOs of Deputy Commissioner, Kamrup (M) and GMC. The petitioner produced before this Commission a copy of a letter dated 7.7.17 received by him from the SPIO of the office of the Deputy Commissioner, Kamrup (M) advising the petitioner that since the petitioner submitted his RTI petition before the GMDA authority, he should, therefore, file his first appeal petition before the first appellate authority of GMDA.

From perusal of the case records it appears that the SPIO of the office of the Deputy Commissioner, Kamrup (M) confused and mistook the transferred RTI petition dated 11.4.17 to be first appeal petition. The petitioner submitted that from GMC he has not received any response so far.

There are two issues involved in the matter:-

(a) Whether Guwahati Municipal Corporation gave any permission for construction of the Assam type room in Borsola Beel as mentioned by the petitioner vide his RTI petition, and

(b) Whether the Deputy Commissioner, Kamrup (M) has verified if the said room is authorized or it has been constructed in an unauthorized manner on the water body by encroaching on sarkari land.

SPIOs of both the office of the Deputy Commissioner, Kamrup (M) and GMC are therefore, directed to furnish the sought for informations to the petitioner within 15 days from the date of receipt of this order. Enclose a copy of the RTI petition dated 11.4.17 with this order for ready reference of the SPIOs of the office of the Deputy Commissioner, Kamrup (M) and GMC.

With the above order the second appeal petition dated 10.7.2017 is disposed of.

Sd/-

(H. S. Das)

Chief Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Registrar

Assam Information Commission

Memo No. SIC/KP(M).685/2017/

Dtd. 09.08.2017

Copy to:

1. The SPIO of the office of the Guwahati Metropolitan Development Authority, Bhangagarh, Guwahati-5 for information.
2. The SPIO of the office of the Deputy Commissioner, Kamrup (M). Guwahati-1 for information and necessary action.
3. The SPIO of the office of the Guwahati Municipal Corporation, Panbazar, Guwahati-1 for information and necessary action.
4. Shri Utpal Das, House No. 41, Rangpathar Byelane, Fatashil Ambari Guwahati-25 for information.
5. Computer Section for uploading in the Website.
6. Office File.
7. Order Book.

Registrar

Assam Information Commission