

**OFFICE OF THE
ASSAM INFORMATION COMMISSION****JONAKKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037**Phone : (0361) 2332704, 2337900, 2331193 :: Fax : 2332704 :: email : secretary.sicassam@gmail.com

Case No. : KP(M).147/2017
Complainant/ Appellant : Sri Joydeb Das
Respondent : Commissioner of Taxes
Date of Hearing : 16-8-2017
Complaint/ Second : Shri H. S. Das, IAS (Retd)
appeal heard by : State Chief Information Commissioner, Assam

O R D E R
16-8-2017

1. The appellant/petitioner Sri Joydeb Das is present. The public authority is represented by Sri Bubul Changkakoty, Superintendent of Taxes and APIO, Unit-‘C’, Guwahati near Kar Bhawan, Guwahati-781 006.
2. The second appeal petition dated 9-1-2017 is taken up for further consideration in pursuance of this Commission’s earlier orders dated 3-5-2017 and 27-6-2017.
3. The APIO and Superintendent of Taxes, Unit-‘C’ Guwahati submitted orally that informations in respect of point Nos- ‘b’, ‘c’ and ‘d’ of the RTI petition dated 4-10-2016 have already been furnished to the petitioner and the petitioner also submitted orally that he has received those informations to his satisfaction.
4. As regards information under point No.-1(a) of the RTI petition, whereby the petitioner/ appellant sought copies of documents submitted by M/s Darjeeling Gardens Pvt. Ltd at the time of registration with the Commercial Tax authority of Assam, the APIO and Suptdt of Taxes, Unit-‘C’ Guwahati submitted that he took a hearing of both the parties on 1-8-2017. The respondent i.e., Darjeeling Gardens Pvt. Ltd opposed disclosure of the sought for information on grounds of trade secrets, commercial confidence and fiduciary relationship with the Taxation authorities with reference to Section 8 (1) (d) and 8 (1) (e) of the RTI Act, 2005. The APIO and Suptdt. Unit-‘C’ , Guwahati however, furnished a list of Directors in the Board of M/S Darjeeling Gardens Pvt. Ltd, to the petitioner, a copy of which has been entered into the case records. The Suptdt. Taxes , Unit-‘C’ is however, yet to pass a speaking order as directed by this Commission in its order dated 27-6-2017.
5. The appellant Sri Joydeb Das furnished a copy of his written submissions dated 1-8-2017 before the APIO and Suptdt. of Taxes, Unit-‘C’ Guwahati at the time of hearing on that date. His written statement is entered into the case records. In his W/S he argued that the documents sought for by him falls within the domain of public activity and disclosure of the same would not amount to intrusion of privacy.

6. This Commission , directs the APIO to examine the documents submitted by the respondent viz, M/S Darjeeling Gardens Pvt. Ltd at the time of registration of their Firm with the Taxation authorities vis-à-vis the arguments made by the petitioner in his written statement dated 1-8-2017.
7. The petitioner/ appellant Sri Joydeb Das is also directed to provide the APIO and Suptdt. of Taxes, Unit-‘C’ Guwahati, any alternative set of informations or documents to establish any public interest involved in disclosure of the informations sought for by him which will outweigh any harm that may be caused to interest sought to be protected by the third party , namely M/S Darjeeling Gardens Pvt. Ltd, under **Section 8 (1) (d) and (e)** of the RTI Act, 2005 **within fifteen (15) days from the date of receipt of this order.**
8. The APIO and Suptdt. of Taxes, Unit –‘C’ Guwahati is directed to pass a speaking order **within 15 days from the date of receipt of alternative informations/ documents received from Sri Joydeb Das.**
9. Fix **15-9-2017, 12.30 P.M** for next hearing

Sd/-

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

Authenticated true copy

Sd/-
Registrar
Assam Information Commission

Memo No SIC/ KP(M).147/2017/

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Dated 16-8-2017

Copy to:-.

- 1) Sri Bubul Changkakoty, Superintendent of Taxes and APIO, Unit-‘C’, Guwahati near Kar Bhawan, Guwahati-781 006, for information and necessary action, as ordered above.
- 2) Sri Joydeb Das, S/O Lt. Karunamoy Das, House No-16 , Kushal Konwar Road, Near Mayur Krishna Cinema Hall, Ambari Fatashil , Guwahati-25, for information.
- 4) Computer Section for uploading in the Website.
- 5) Office file.
- 6) Order Book.

Registrar I/c
Assam Information Commission.