

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

Case No. : SIC/LPR.13/2017
Appellant : Shri Waris Alam Ansari
Respondent : The SPIO, O/o the Deputy Commissioner, Lakhimpur, North Lakhimpur

Date of hearing : 17.08.2017
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
17.08.2017

Smt. Benu Musahari, Election Officer/SPIO, O/o the Deputy Commissioner, Lakhimpur present. She has submitted a Written Statement dated 07.08.2017.

Perused the Written Statement. The action taken to provide the information through letters dated 04.05.2017 and 25.05.2017, and to dispose of the First Appeal dated 05.05.2017 has been indicated. The hearing for the First Appeal had been fixed several times but the Appellant did not attend and therefore his Appeal disposed of on 01.06.2017. A copy of the order sheet has been enclosed.

It appears from the Written Statement that the decision to disposed of the First Appeal by the First Appellate Authority/Deputy Commissioner, Lakhimpur was not conveyed to the Appellant. However, from the communication made to the Appellant through a letter dated 25.05.2017, it appears that the status of the case on which he had sought information had been explained to him. On the copy of the said letter enclosed with the Written Statement appears an acknowledgement of receipt of the same by the Appellant in his hand dated 26.05.2017 although he has not mentioned receipt of these letters in his Second Appeal or in the Written Statement he had submitted for today's hearing.

From the submissions made, and perusal of the Written Statement and the record of the case, the Commission arrives at the conclusion that the Public Authority has indeed furnished the information sought for by the Appellant through two letters written to him and the FAA had given him an opportunity to represent his case which he did not avail of.

It is however seen that the proper procedure was not followed by the SPIO in transferring the Application to the ADC (Magistracy) Lakhimpur. The proper procedure in this case would be to seek assistance of the concerned branch within the same Public Authority U/S 5(4) of the Act.

In view of this, the Commission hereby disposes of the Second Appeal. However, the second copy of the Written Statement submitted by the SPIO along with all its enclosures during the hearing shall be sent to the Appellant along with this order for his information.

Sd/-
Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-
Joint Registrar
Assam State Information Commission

Copy to:

1. The SPIO, O/o the Deputy Commissioner, Lakhimpur, North Lakhimpur, Assam for information and necessary action.
2. The First Appellate Authority/Deputy Commissioner, Lakhimpur, North Lakhimpur, Assam for information.
3. The Appellant, Shri Waris Alam Ansari, Ward No. 10, North Lakhimpur, Dist- Lakhimpur, Pin- 787 001, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Joint Registrar
Assam State Information Commission