

**OFFICE OF THE
ASSAM INFORMATION COMMISSION****JONAKKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037**

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Case No. : **KP(R) 18/2017**
Complainant/ Appellant : **Sri Tapan Rai Medhi**
Respondent : **Guwahati Metropolitan Dev. Authority**
Date of Hearing : **25-10-2017**
Complaint/ Second : **Shri H. S. Das, IAS (Retd)**
appeal heard by : **State Chief Information Commissioner, Assam**

O R D E R
25-10-2017

1. The appellant/petitioner Sri Tapan Rai Medhi is present. The GMDA is represented by Sri Hitesh Sarma Medhi, SPIO of Guwahati Metropolitan Development Authority accompanied by Sri Phulen Saharia, Jr. Administrative Assistant of the same office.
2. The complaint petition dated 28-7-2017 is taken up for hearing in presence of both the parties.
3. The complaint, in brief, is that M/S Aquafil Wintech J.V who is reportedly a contractor under the JAICA Guwahati Water Supply Scheme, refused to accept the two RTI petitions dated 21-7-2017. At the first instance the petitioner went personally to hand over the RTI petition, which M/S Aquafil Wintech J.V refused to accept. Thereafter the appeal petition was sent by Registered post, which was returned by the postman un-delivered with the remark "refused".
4. From perusal of the two RTI petitions it appears that M/S Aquafil Wintech J.V is a private contractor under the JAICA Guwahati Water Supply Scheme. The petitioner could not produce any documents to substantiate that M/S Aquafil Wintech J.V falls under the definition of public authority under Section 2(h) of the RTI Act, 2005. The SPIO of GMDA submitted orally as well in his Written Statement dated 25th October, 2017 that JICA assisted Guwahati Water Supply project is being implemented by Guwahati Jal Board, Saikia Commercial Complex, Christian Basti, Guwahati-781 005. This Commission is of the view that the petitioner may file a separate RTI petition before the Guwahati Jal Board who may refer to the last two lines of Section 2(f) of the RTI Act, 2005 and take necessary action to furnish the sought for information if under any other law for the time being in force the Guwahati Jal Board can access the sought for informations from the private contractor, viz., M/S Aquafil Wintech J.V
5. With the above order the complaint petition dated 28-7-2017 is disposed of.

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

Authenticated true copy
Sd/-
Registrar
Assam Information Commission

Memo No SIC/ KP(M) 18/2017/

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Dated 23-10-2017

Copy to:-

- 1) Sri Hitesh Sarma Medhi, SPIO of Guwahati Metropolitan Development Authority for information
- 2) SPIO of Guwahati Jal Board, "Saikia Complex" , Christian Basti, Guwahati-781005 for information and necessary action.
- 3) Sri Tapan Rai Medhi, Maj Gaon, North Guwahati, P.O-Dopdar, District- Kamrup, Assam, PIN-781030 for information and necessary action.
- 4) Computer Section for uploading in the Website.
- 5) Office file.
- 6) Order Book.

Registrar
Assam Information Commission