

**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).912/2017**
Complainant/ Appellant : **Sri Utpal Das**
Respondent : **Guwahati Municipal Corporation**
Date of Hearing : **10-11-2017**
Complaint/ Second : **Shri H. S. Das, IAS (Retd)**
appeal heard by : **State Chief Information Commissioner, Assam**

O R D E R
10-11-2017

1. The appellant/petitioner Sri Utpal Das is present. The public authority is represented by Sri Jogesh Gogoi, Superintendent and APIO of Marketing Branch of GMC, accompanied by Sri P. Rajesh Singh, attached to PIO, GMC.
2. The second appeal petition dated 12-9-2017 is taken up for hearing in presence of both the parties.
3. From perusal of the case records it is seen that the petitioner Sri Utpal Das filed an RTI petition dated 15-3-2017 before the GMC, seeking various informations about collection of toll by GMC from the vegetable vendors of TRP road, which is a PWD road.
4. Vide letter dated 5-4-2017 the Joint Commissioner, Marketing Branch of GMC informed the petitioner that the relevant file No. GMC/24/97/3680 dated 16-1-1999 was searched for but could not be traced out. Similarly, the relevant records in respect of point No. 2 & 3 of the RTI petition also were not found available in the Marketing Branch. Thereafter the petitioner filed his first and second appeal petitions dated 28-6-2017 and 12-9-2017 respectively.
5. The PIO of GMC has submitted a written statement dated 10.11.2017 before this Commission today, which is entered into the case records. It has been mentioned in the W/S that the petitioner's first appeal petition was heard on 19-8-2017. The petitioner Sri Utpal Das was absent at the time of the hearing. By his order dated 31-8-2017, the FAA directed the Branch Officer of the Marketing Branch of GMC to locate the relevant file and provide the informations, as sought for, to the petitioner within 7 (seven) working days. However, as reported by the Joint Commissioner of Marketing Branch of GMC vide his letter dated 7-11-2017 it appears that the relevant records could not be traced out even after the order of the FAA mentioned above.
6. It appears from the content of the RTI petition that the petitioner, vide his RTI petition dated 15-3-2017, raised a matter of public interest. The informations sought for by him are admissible under the RTI Act., 2005 which has also been acknowledged by the First Appellate Authority as is clear from his order dated 31-8-

2017. Now the question is retrieval of the lost files and records , failing which the concerned authorities of GMC have to take appropriate actions under the relevant provisions of the Assam Public Records Act, 2002 as also the provisions of other laws i.e., IPC that may be applicable.

7. Commissioner GMC is, therefore, directed to cause an inquiry into the matter of missing records and try to locate them. If the records are still not found then the Commissioner, GMC is directed to fix responsibility on the concerned officials and employees of GMC and take appropriate penal actions with information to this Commission. Further, since it is a matter of collection of tolls, it may be possible for Commissioner , GMC to reconstruct the records by referring to other connected records like Cash Book of the relevant period where the proceeds of the tolls collected were recorded, name of the lessee or the agent who collected the tolls, the rate of collection of tolls etc. Commissioner, GMC is directed to take necessary steps also for reconstruction of relevant records, as above.

8. Fix January , 1.00 P.M for review of action taken.

Sd/-

(H. S. Das)

**State Chief Information Commissioner,
Assam**

Authenticated true copy

Sd/-

Registrar

Assam Information Commission

Memo No SIC/ KP(M).912/2017/

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Dated 10-11-2017

Copy to:-

- 1) Commissioner, GMC, Panbazar, Guwahati-1 for information and necessary action as ordered above.
- 2) Sri Jogesh Gogoi, Superintendent and APIO of Marketing Branch of GMC,, Panbazar, Guwahati-1 for information and necessary action as ordered above.
- 3) Sri Utpal Das, Rong Pathar Bye Lane, Fatasil Ambari, Guwahati-25 for information and necessary action
- 4) Computer Section for uploading in the Website.
- 5) Office file.
- 6) Order Book.

Registrar

Assam Information Commission.