

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

Case No. : SIC/NLB.74/2017  
Appellant : Shri Lalchand Ali Ahmed  
Respondent : The SPIO, O/o the Asstt. Executive Engineer (PHE), Belsor  
Sub-Division, Belsor, Nalbari  
Date of hearing : 14.02.2018  
Second Appeal heard by : Shri Pinuel Basumatary,  
State Information Commissioner, Assam

**O R D E R**  
14.02.2018

The Appellant, Shri Lalchand Ali Ahmed is present.

The SPIO absent without information. He/she has not submitted any Written Statement and also has not explained as to why penalty U/S 20 (1) of the RTI Act, 2005 should not be imposed on him/her for his/her failure to furnish the information within the time stipulated.

The First Appellate Authority/Executive Engineer (PHE) Nalbari Division has not apprised the Commission about the steps he might have taken to dispose of the First Appeal in accordance with the RTI Act, 2005.

As the Appellant is present, the Commission decided to conduct the hearing proceedings *ex parte* of the SPIO.

Heard the Appellant. He submitted that he had neither received the information for his Application dated 09.10.2017 nor any decision on his First Appeal dated 08.11.2017. He further submitted that after receiving the notice for today's hearing, an official from the Public Authority asked him to withdraw the Application for information.

Perusal of the case record indicates that the Application was forwarded through a letter dated 07.11.2017 by the Assistant Executive Engineer (PHE) Belsor Sub-Division, Belsor to the Sectional Officer (PHE). In the copy submitted by the Appellant to the Commission, neither the name of the Sectional Officer nor that of the Section has been mentioned.

From the above mentioned letter, it is obvious that the action taken by the AEE (PHE) was not in order and that instead of furnishing the information he passed it on to one of his subordinates in his own office. By this erroneous action, failure to provide the information, and to be present in today's hearing, the AEE (PHE) has failed in his duty enjoined upon him by the RTI Act, 2005.

The next date of hearing shall be 03.04.2018 at 11:30 AM.

Considering that the SPIO/the AEE (PHE) has neither attended today's hearing nor has he submitted any Written Statement, this Commission hereby invokes the provisions of the said Act U/S 18 (3) regarding the powers of the Civil Court while trying a suit under the code of Civil Procedure 1908 to summon and enforce the attendance of the respondents and compel him to give oral or written evidence on oath and to produce documents.

This order shall constitute a notice for hearing to the Respondents and the Appellant/Complainant.

Serve notice through the Superintendent of Police, Nalbari or OC, Belsor Police Station, District Nalbari.

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

Authenticated true copy

Sd/-  
Joint Registrar  
Assam Information Commission

Memo No. SIC/NLB.74/2017

Dtd. 14.02.2018

Copy to:

1. The Superintendent of Police, Nalbari, Dist- Nalbari, Assam for information and necessary action.
2. The SPIO, O/o the Asstt. Executive Engineer (PHE), Belsor Sub-Division, Dist- Nalbari, Assam, Pin- 781 334 for information and necessary action.
3. The First Appellate Authority/Executive Engineer (PHE) Nalbari Division, Dist- Nalbari, Assam, Pin- 781 335 for information.
4. The Appellant, Shri Lalchand Ali Ahmed, S/o- Jamaluddin, Vill- Damdama Pather, PO- Rampur, Dist- Nalbari, Assam, Pin- 781 312 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Joint Registrar  
Assam Information Commission