

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

Case No. : KP(M).438/2016
Complainant/ Appellant : Sri B.C. Thakuria
Respondent : Guwahati Municipal Corporation

O R D E R
2-4-.2018

Seen the review petition dated Nil submitted by Sri Santanu Das, son of Sri Tarun Ch. Kochari, Associate Planner, in Guwahati Municipal Corporation (GMC) praying for review of this Commission's order dated 12-1-2018. By its order dated 12-1-2018, this Commission imposed a penalty of Rs. 25,000/- on Sri Santanu Das for his failure to furnish the sought for informations to the petitioner Sri B.C.Thakuria and for non-compliance of this Commission's earlier orders dated 12-10-2017, 15-11-2017 and 14-12-2017. Being aggrieved by that order Sri Santanu Das, Associate Planner, GMC filed an un-dated review petition which was received by this Commission on 30th January, 2018 , praying for a review of the order imposing penalty on the following grounds :-

- a) That this Commission's orders dated 12-10-2017 and 15-11-2017 were not served on him and , therefore, he had no knowledge of those orders.
- b) That only one day before the hearing on 14-12-2017 i.e., on 13-12-2017 Commissioner, GMC gave him the responsibility of complying with CIC , Assam's order dated 8-6-2017 and
- c) That he is not the regular SPIO of the Planning Branch of GMC. Only with regard to the instant second appeal case he was given the responsibility of SPIO, whereas one Sri Dipak Bezbaruah deals with all other matters of RTI in GMC.

The Registry of this Commission forwarded the review petition to the Commissioner, GMC vide forwarding letter dated 15th February, 2018 requesting her to clarify by way of an affidavit "whether the averments made by Sri Santanu Das, the petitioner, in his review petition are borne out by your official record and what is the correct position in the matter."

Commissioner, GMC submitted her affidavit on 17th March, 2018 vide forwarding letter dated 20-3-2018. In her affidavit the Commissioner, GMC has clarified that

- a) *This Commission's orders dated 12-10-2017 and 15-02-2018 were directly issued to him and both the orders were received in his branch on 30-10-2017 and 22-11-2017 respectively.*
- b) *The assertion of the review petitioner that one day before the hearing, i.e. 13-12-2017, the Commissioner, GMC gave him the responsibility of complying with the Commissioner's order dated 8-6-2017 is not true to records in as much as Sri Das was informed about the same on 11-12-2017 itself.*
- c) *The assertion of the review petitioner that he is not the regular SPIO of the Planning Branch, GMC, and that he was given the responsibility of SPIO only with regard to instant second appeal is not correct. The review petitioner was given the responsibility of disposal of RTI matters pertaining to the Planning Branch , GMC way back on 16-3-2016.*

The Commissioner, GMC has enclosed copies of relevant records in support of her statements along with the affidavit.

From the clarifications furnished by the Commissioner, GMC, it appears that there is no merit in the review petition filed by Sri Santanu Das and, therefore, this Commission does not find any ground to review its order dated 12-1-2018, except for the following modifications regarding recovery of the penalty.

Commissioner, GMC will recover the penalty amount of Rs. 25,000/- in two equal instalments of Rs. 12,500/- each from the monthly salary of Sri Santanu Das, Associate Planner, GMC for the months of April and May, 2018 and deposit the same in the Head of Account-“**0070- other Administrative Services.**

With the above order the review petition submitted by Sri Santanu Das , Associate Planner is disposed of.”

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

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/KP(M).438/2016/

Dated. 2-4-.2018

- Copy to:
1. Commissioner, Guwahati Municipal Corporation,, Panbazar, Guwahati-1 for information and necessary action.
 2. Shri Santanu Das, Associate Planner, Guwahati Municipal Corporation, Panbazar, Guwahati-1 for information.
 3. Sri B. C. Thakuria, ,12, 1st Floor, I.G Road, Santipur, Guwahati 781 009 for information.
 4. Computer Section for uploading in the Website.
 - 5 Office File.
 6. Order Book.

Registrar
Assam Information Commission