

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

Case No. : SIC/NGN.129/2017
Appellant : Shri Durgeswar Das
Respondent : The SPIO, O/o the Block Dev. Officer, Udali Dev. Block, PO-
Lanka, Hojai, Assam
Date of hearing : 03.04.2018
Second Appeal heard by : Shri Pinuel Basumatary, IA & AS (Retd.)
State Information Commissioner, Assam

O R D E R
03.04.2018

The Appellant is absent without information.

The SPIO absent without information.

Perused the case record. It is seen that the Second Appeal Dated 28.07.2017 with regard to the RTI Application dated 02.05.2017 submitted to the SPIO, office of the Block Dev. Officer, Udali Dev. Block was heard in the Commission on 19.02.2018 and an order passed. In the hearing, the SPIO was absent without information. He had not submitted any Written Statement and also had not submitted any explanation as to why penalty U/S 20 (1) of the RTI Act, 2005 should not be imposed on him for his failure to furnish the information within the time stipulated. The First Appellate Authority/Block Dev. Officer, Udali Dev. Block was also absent without information and had 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 was present the hearing was conducted *ex parte* of the SPIO. The Appellant had submitted that he had neither received information from the SPIO nor any decision from the FAA on his First Appeal dated 10.06.2017. Considering that the SPIO had neither attended the hearing nor had submitted any Written Statement, the Commission had invoked 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 them to give oral or written evidence on oath and to produce documents. Hence, today's date for hearing. The notice was served through the Superintendent of Police, Nagaon. However, no confirmation of service has been received from the SP, Nagaon.

In view of the above, the Commission hereby decided to give another opportunity to the Respondents to appear before the Commission to personally apprise the Commission the action taken to furnish the information and to comply with the said order of the Commission. Fix another date for hearing.

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 them to give oral or written evidence on oath and to produce documents remain invoked.

Serve notice to the Superintendent of Police, Nagaon with a request to him/her to confirm service thereof.

Sd/-

Pinuel Basumatary IA & AS (Retd.)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-

Joint Registrar
Assam Information Commission

Memo No. SIC/NGN.129/2017/9-A

Dtd.03.04.2018

Copy to:

1. The Superintendent of Police, Nagaon, Assam for information and necessary action.
2. The SPIO, O/o the Block Dev. Officer, Udali Dev. Block, PO- Lanka, Hojai, Assam for information and necessary action.
3. The First Appellate Authority/Block Dev. Officer, Udali Dev. Block, PO- Lanka, Hojai, Assam for information.
4. Shri Durgeswar Das, Residence of Christian Patty, PO- Nagaon, Dist- Nagaon, Pin- 782 001, Assam for information.
5. Computer Section for uploading in the Website.
6. Office File.

Joint Registrar
Assam Information Commission