

**ASSAM INFORMATION COMMISSION****JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037**

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Case No. : SIC/KP(M) 1027/2017  
Appellant : Shri Dulal Bora  
Respondent : The SPIO, Election Department, Govt. of Assam, Dispur,  
Guwahati -6  
Date of hearing : 26-04-2018  
Second Appeal heard by : Nilufer Alam Hazarika, IAS(Retd.)  
State Information Commissioner, Assam

**O R D E R****26- 04-2018**

The petitioner Sri Dulal Bora is absent without any intimation. The Deputy Secretary & SPIO, office of the Chief Electoral Officer, Assam has informed that he has been directed to attend an urgent video conference with the Election Commission of India today and as such he will not be able to appear for the hearing.

The SPIO has submitted a written statement dt. 20<sup>th</sup> April, 2018 that reply to the RTI petition dt. 9-8-2016 was furnished to the petitioner vide letter dt. 8-9-2016. The appellant filed the 1<sup>st</sup> Appeal petition on 16-5-2017 which was rejected by the 1<sup>st</sup> Appellate authority on 20-6-2017 on the ground that as per Sec. 19(1) of the RTI Act, 2005, the Appeal has to be preferred within 30 days of receipt of the reply. In the instant case the reply of the RTI application was given on 9-8-2016 and the Appeal was filed on 23-5-2017. The 1<sup>st</sup> Appellate authority of the office of the C.E.O., Assam observed that the Appeal was filed after 257 days of furnishing the reply to the RTI application and that he did not mention any cause on the filing of Appeal petition after the due time, as such the Appeal petition dt. 16-5-2017 filed by Sri Dulal Bora was rejected by the 1<sup>st</sup> Appellate Authority vide order dt. 20-6-2017.

The Commission observes that there is no flaw in the order of the 1<sup>st</sup> Appellate authority. An Appeal has to be preferred within 30 days from the date of receipt of reply on the RTI petition U/S. 19 (1) of the RTI Act, 2005. Sec. 19(1) also provides that the 1<sup>st</sup> Appellate authority may admit the Appeal after the expiry of the period of 30 days if he or she is satisfied that the Appellant was prevented by sufficient cause, from filing the appeal in time. In the instant case, the 1<sup>st</sup> Appellate Authority has in the order clearly stated that the appellant has not mentioned any cause on the filing of the Appeal petition after the due time.

Since the 1<sup>st</sup> Appeal was time barred and the same was rightly rejected by the 1<sup>st</sup> Appellate authority, the 2<sup>nd</sup> Appeal filed by the petitioner dt. 24-7-2017 is not admitted.

Sd/-

( Nilufer Alam Hazarika, IAS(Retd.)  
State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy

Sd/-  
Joint Registrar  
Assam State Information Commission

**Memo No. SIC/KP (M) 1027/2017/16**

**Dtd. 26-04-2018**

**Copy to:**

1. The SPIO, Office of the Election Department, Govt. of Assam, Dispur, Guwahati -6  
Assam for information and necessary action.
2. The First Appellate Authority/Election Department, Govt. of Assam, Dispur, Guwahati -6, Assam  
for information and necessary action.
3. The Petitioner Shri Dulal Bora, Kainadhara Tiniali, H/No. 118, Khanapara, Dist. Kamrup (M),  
Guwahati - 22, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Joint Registrar  
Assam State Information Commission

