

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

Case No. : SIC/GLT.28/2018
Appellant : Shri Purbanilim Baruah
Respondent : The SPIO, O/o the Dergaon Municipal Board, Dergaon, Dist-
Golaghat, Assam
Date of hearing : 04.05.2018
Second Appeal heard by : Shri Pinuel Basumatary, IA & AS (Retd.)
State Information Commissioner, Assam

O R D E R
04.05.2018

The Appellant, Shri Purbanilim Barua is present.

The Respondent absent without information.

The First Appellate Authority/office of the Dergaon Municipal Board, Dergaon, Golaghat has not apprised the Commission about the steps he might have taken to dispose of the First Appeal dated 25.09.2017 in accordance with the RTI Act, 2005.

The Commission could not determine as to whether the Respondent had received the Commission's notice for today's hearing dated 06.03.2018 which was sent by Post. However, the Appellant submitted that the Appellant had received the Commission's notice. He further submitted that the information has not been received and the FAA of the Municipal Board has not disposed of the First Appeal.

Considering that the Appellant is present and the information is pending to be furnished for over seven months, the Commission decided to conduct the hearing proceedings *ex parte*.

The Appellant submitted that the names and designations of the SPIO and the FAA have not been displayed by for public information by the Public Authority. On being asked by the Commission he was unable to inform those names. He added that the FAA had not disposed of his First Appeal even subsequent to filing of his Second Appeal dated 13.11.2017.

From the records of the case and the submission by the Appellant, the Commission concludes that the Public Authority namely, i.e. both the SPIO and the FAA have failed to provide the information in accordance with the provisions of the RTI Act, 2005. The SPIO has thereby rendered himself liable for the penal action provided for by the said Act. However, for want of confirmation about receipt of the notice for today's hearing by the Public Authority, the Commission hereby takes a lenient view and orders that the SPIO shall furnish the information sought for by the Appellant through his RTI Application dated 22.08.2017, free of cost, within 10 days of receiving this order.

The Second Appeal is hereby disposed of. However, the Appellant shall be at liberty to move this Commission, if he is aggrieved with the response of the SPIO.

Sd/-

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

Authenticated true copy

Sd/-
Joint Registrar
Assam Information Commission

Memo No. SIC/GLT.28/2018/10-A

Dtd. 04.05.2018

Copy to:

1. The SPIO, O/o the Dergaon Municipal Board, Dergaon, Dist- Golaghat, Assam for information and necessary action.
2. The First Appellate Authority/office of the Dergaon Municipal Board, Dergaon, Dist- Golaghat, Assam for information.
3. The Appellant, Shri Purbanihim Baruah, Assom Nabanirman Sena, Central Committee, Vill- Baruah Gaon, PO- Baruabamun Gaon, Dist- Golaghat, Assam, Pin- 785 618 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Joint Registrar
Assam Information Commission