



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

Case No. : SIC/NLB.58 /2017
Appellant : Md. Sabed Ali
Respondent : The SPIO, O/o the Asstt. Executive Engineer (PHE) Belsor
Sub-Division, Dist- Nalbari, Assam
Date of hearing : 03.03.2018
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
03.03.2018

The Appellant, Md. Sabed Ali is present.

The Respondent absent without information.

Heard the Appellant. He submitted that he had not received the information he had sought for through his Application dated 29.06.2017.

Perused the case record. It is seen that the Second Appeal dated 16.10.2017 was scheduled for hearing on 08.12.2017 at 12:15 PM. Whereas the Appellant was present, the Respondents were absent without information. The SPIO had not submitted any Written Statement and also had not explained 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/Executive Engineer, (PHE) Nalbari Division, Nalbari had not apprised the Commission about the steps he might have taken to dispose of the First Appeal dated 25.07.2017. The Postal Tracking System indicated that the notice for hearing had been delivered. Considering the absence of the Respondent, the hearing was adjourned and the Commission had invoked the powers of 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. The hearing was scheduled on 02.02.2018 at 1:00 PM and the notice had been duly served. The Commission received a copy of letter dated 11.01.2018 written by the Superintendent of Police, Nalbari to Officer In Charge, Belsor Police Station to serve the notice of the Commission dated 28.12.2017 to the SPIO. The hearing was thereafter re-scheduled to be held at 1:00 PM today.

Considering that there was some dislocation in the Postal Department, the office of the Commission had informed by telephone both the SPIO and the Appellant about today's hearing. Despite this, the SPIO has remained absent today.

However, in view of the ongoing reported dislocation in the postal service, the Commission decided to give the benefit of doubt to the SPIO and decided to adjourn today's hearing to the next date of hearing.

The next date of hearing shall be 26.04.2018 at 11:30 AM.

The SPIO, office of the Asstt. Executive Engineer (PHE), Belsor Sub-Division, Nalbari shall be present personally in the next hearing to apprise the Commission and to explain 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 SPIO shall also submit a detailed Written Statement *inter alia* the name(s) of the SPIO(s) of the Public Authority since the date of receipt of the Application for information dated 29.06.2017 and submit his/their period of incumbency.

Considering that the Respondents have neither attended today's hearing nor have they 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 them to give oral or written evidence on oath and to produce documents.

Serve notice through the Superintendent of Police, Nalbari.

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

The Appellant should also be present in the hearing to assist the Commission to arrive at an appropriate decision.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-

Joint Registrar
Assam Information Commission

Memo No. SIC/NLB.58 /2017 /14-A
Copy to

Dtd.03.03.2018

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- 781 304 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, Md. Sabed Ali, S/o- Lt. Kalimuddin, Vill- Sabhamari, PO- Bartala, Dist- Nalbari, Assam, Pin- 781 138 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Joint Registrar
Assam Information Commission