

**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

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Case No. : SIC/KP(M) 152/2018
Appellant : Sri Bhagawati Prasad Siotia
Respondent : SPIO, Office of the G.M.C., Panbazar, Guwahati – 1,
Assam
Date of hearing : 02-06-2018
Second Appeal heard by : Nilufer Alam Hazarika, IAS(Retd.)
State Information Commissioner, Assam

O R D E R
02- 06-2018

The petitioner Sri Bhagawati Prasad Siotia assisted by Sri Narendra Siotia are present. The public authority is represented by Smt. Alin Begum, Executive Engineer, G.M.C. assisted by Sri Jitu Ballav Dutta, U.D.A. G.M.C.

The Public Information Officer, G.M.C. has informed the Commission that on receipt of RTI petition dt. 24-8-2017, communication was made to the Planning Branch, G.M.C. vide their letter dt. 28-8-2017. Being aggrieved with non-receipt of information, the appellant submitted his 1st Appeal petition dt. 3-10-2017 before the 1st Appellate Authority, G.M.C. The Executive Engineer, Planning Branch was requested twice to submit the information vide letter dated 12-10-2017 and 27-11-2017. Show cause notice was also issued against the concerned Officer for not providing the information in time. On receipt of the Information from the Planning Branch on 28-5-2018 the same furnished to the applicant on 29-5-2018.

The Executive Engineer, Planning Branch, G.M.C. present orally submitted that the concerned file was being dealt with by the Associate Planner, G.M.C. and the same was handed over to her on 28-5-2018 and information was furnished to the PIO, G.M.C. on the same day.

The petitioner Sri Bhagawati Prasad Siotia made a written submission dt. 1-6-2017 that due to non-receipt of any reply from the PIO, G.M.C. on his RTI petition dt. 24-8-2017 for 40 days, he filed his appeal on 3-10-2017 before the 1st Appellate Authority. Due to non-receipt of any information from the 1st Appellate Authority for 58 days, he filed his 2nd Appeal before the Commission on 29-11-2017. After issue of notice from the Commission on 22-5-2018, the PIO, G.M.C. sent a letter dated 29-5-2018 to the petitioner enclosing certain documents, against his application, which are vague, incomplete and misleading. He further submitted that the documents provided clearly show that the documents were in their possession since 2016 and could have been furnished within stipulated period, but the same was unreasonably, intentionally and willfully delayed with ulterior motive. He stated that inspite of the pleader's notice dated 16-5-2016 and despite the report of LRI confirming the encroachment of the land of the neighbouring pattadar and common spaces and despite order in the file for refusal of occupancy certificate on 28-9-2015, no action was taken by the G.M.C. He also stated that there was no justification as to why there was delay in furnishing the

information and as such action may be taken against the public authority for violation of RTI Act. He further complained that the reply dated 29-5-2018 was vague, incomplete and misrepresents the true facts and circumstances and he was not satisfied with the reply on the ground noted by him.

- 1) With reference to para 5(a) of their application Annexure A had been furnished which show that no action has been taken on the note sheet dt. 28-9-2016.
- 2) With reference to para 5 A (ii) of their application Annexure B has been furnished. The map in the reply does not specifically show the encroachment area of 0.37 acres from common passage and an area of 0.20 acres from the plot of Smt. Rajni Siotia and Rahul Siotia as mentioned in the LRI report and as such is vague, incomplete and unspecific.
- 3) With reference to para 5(a)(ii) of the application, it has been stated that the file is in process for refusal of granting occupancy certificate. No specific reply has been made to their query whether G.M.C. has taken any action against the illegally constructed building without having any occupancy certificate from G.M.C.
- 4) The reply against 5 a (iv, v & vi) of their application, it has been stated that “no record has been found in the file.” The query does not mention whether any action has been taken or not and as such the reply is unsatisfactory.

The petitioner has therefore requested the Commission to direct the concerned public authority to provide the complete, detailed and specific information without any further delay.

From perusal of the case record it is seen that the 1st Appeal petition filed before the 1st Appellate Authority on 3-10-2017 has not been heard and disposed of by the Appellate Authority. The Appeal petition dt. 3-10-2017 is therefore remanded to the 1st Appellate Authority for disposal of the same with a speaking order after hearing both the parties within 21 days from the date of receipt of this remand order.

With the above direction the 2nd Appeal petition dt. 29-11-2017 is disposed of.

The petitioner will be at liberty to move this Commission with a 2nd Appeal petition or a complaint petition as the case may be if he is aggrieved by the decision of the 1st Appellate Authority or because of non-disposal of the 1st Appeal petition by the 1st Appellate Authority.

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) 152/2018

Dtd. 02-06-2018

Copy to:

1. The SPIO, Office of the G.M.C., Panbazar, Guwahati – 1, Assam for information and necessary action.
2. The First Appellate Authority, Office of the G.M.C., Panbazar, Guwahati – 1, Assam for information and necessary action.
3. The Petitioner Sri Bhagawati Prasad Siotia, 29, Radha Bazar, 3rd floor, SRCB Road, Fancy Bazar, Guwahati – 1, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Joint Registrar,
Assam State Information Commission