

**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

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Case No.	:No. DBR. 5/2018
Complainant/ Appellant	Sri Bhakti Prasad Sonowal
Respondent	:Guwahati Municipal Corporation.
Date of Hearing	:25-09-2018
Complaint/ Second appeal heard by	:Shri H. S. Das, IAS (Retd) :State Chief Information Commissioner, Assam

O R D E R
25-09-2018

1. The petitioner Sri Bhakti Prasad Sonowal is absent at the time of hearing today. He was absent on the previous three dates of hearing also , i.e., 17-5-2018 , 9-7-2018 and 6-8-2018. He has, however, sent a written communication dated 24-9-2018 , which is entered into the case records. By his written communication he has reiterated that he has not received any information from the SPIO of GMC in compliance of this Commission's earlier order dated 9-7-2018. He has prayed for imposition of penalty on the SPIO of GMC. As for his absence today, he has cited pre-occupation with some urgent work.
2. (a) The public authority is represented by Sri Deepak Bezbaruah, Associate Planner (A.P) , Guwahati Municipal Corporation (GMC) and Sri Doni Hatimuria, Zonal Engineer, GMC. The A.P GMC submitted a written statement dated 25-09-2018 which is entered into the case records. It has been stated in the written statement that :-
 - (i) As directed in the aforesaid order, a copy of the complaint petition purportedly to have been enclosed with the letter No. GDD.175/2017/14 dated 24-8-2017 has been collected from Guwahati Development Department, Dispur.
 - (ii) On examination of the complaint petition it was found that the note sheets exhibiting the action taken has already been furnished to the applicant Bhakti Prasad Sonowal vide Guwahati Municipal Corporation's SPIO's letter dated 12-4-2018,
 - (iii) The applicant is aware of actions taken by Guwahati Municipal Corporation vide GPL/UC/10/124/18/206 dated 29-12-2014, by "action" the applicant means the action for demolition of the building that has not been taken up by Guwahati Municipal Corporation.
 - (iv) As regards the action on the complaint petition, actions are under process and follow up actions are underway. The applicant has already been informed by providing the note sheets of File No. GPL/UC/10/124/2014.
- (b) The APIO of GMC also submitted orally that he is now in a position to furnish some additional informations to the applicant relating to the developments after 12-4-2018.

3. In view of the above, the SPIO of GMC is directed to furnish the additional informations that have been generated after 12-4-2018 to the petitioner within 15 days from the date of this order which was pronounced in presence of the A.P.
4. As regards the petitioner's request for imposition of penalty on the SPIO of GMC, he submitted orally that all possible necessary steps were taken to furnish information to the petitioner with reference to his RTI petition dated 8-11-2017 and the first appeal petition dated 2-1-2018. However, initially there was some difficulties and delay in furnishing the information because the petitioner's original Vigilance complaint letter which was purportedly enclosed with GDD's letter dated 24-8-2017 was not found with the forwarding letter. The petitioner Sri Sonowal also did not enclose the complaint letter with the RTI petition. He had enclosed only the copy of GDD's letter dated 24-8-2017. The APIO further submitted that had the petitioner given a copy of this complaint letter with the RTI petition, it could have been expedited. By his W/S dated 25-9-2018, the APIO also prayed that penalty may not be imposed on the GMC officials in view of the averments made in the W/S.
5. In view of the submissions made by the APIO and in the absence of any counter submissions by the petitioner at the time of hearing today and on the earlier occasions, as mentioned above, this Commission is of the view that there is no reasonable grounds to find fault with the SPIO of GMC and impose penalty on the SPIO or APIO of GMC.
6. After receipt of the additional information as directed at para-3 above, if the petitioner needs any further information or clarification, he may approach the SPIO of GMC for inspection of the relevant file, which is available with the GMC, within 15 days from the receipt of the additional information , i.e., latest by 25th October, 2018.
7. The SPIO of GMC is also directed to allow the petitioner to inspect the relevant records accordingly.
8. With the above order the complaint petition dated 2-4-2018 is disposed of.

Sd/-

(H. S. Das)
Chief Information Commissioner, Assam,
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Joint Registrar
Assam Information Commission.

Memo No. SIC/ DBR. 5/2018/

Dated 25-09-2018

Copy to :-

1. Sri Deepak Bezbaruah, Associate Planner and SPIO of Guwahati Municipal Corporation, Panbazar, Guwahati-1 for information and necessary action as ordered above.
2. Sri Bhakti Prasad Sonowal, Office of the Executive Engineer, Central Water Commission, Jeeban Phukan Nagar, P.O- C.R Building, Dibrugarh for information and necessary action as ordered above.
3. Computer Section for uploading in the Website.
4. Office file.
5. Order Book.

**Jont Registrar
Assam Information Commission**