



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

Case No. : NGN.361 /2018  
Complainant/ appellant : Shri Hareswar Borah  
Respondent : SPIO of the office of the Deputy Commissioner, Nagaon  
Date of hearing : 08.11.2018  
Complaint/ Second : Shri H.S. Das, IAS ( Retd)  
Appeal heard by : Chief Information Commissioner, Assam

**O R D E R**  
8.11.2018

1. The petitioner and appellant Shri Hareswar Borah is present. The public authority, i.e. the Deputy Commissioner, Nagaon is represented by Shri Dulal Debnath, ACS, Addl. Deputy Commissioner (Land Acquisition Branch), Nagaon. The second appeal petition dated 5.9.2018 is taken up for hearing in presence of both the parties in pursuance of this Commission's order dated 5.10.2018. In the meantime the ADC (LA Branch), Nagaon submitted a prayer dated 8.10.2018 seeking time to make his submission till 8.11.2018, the date which was already fixed for next hearing and his prayer was granted.

2. Today the ADC (LA Branch) has submitted a written submission dated 7.11.2018 detailing sequence of actions taken on the petitioner's RTI petition dated 31.5.2018 and first appeal petition dated 2.7.2018. His written submission is entered into the case records. It has been mentioned in the written statement, inter alia, that the sought for informations have not been furnished to the petitioner so far because there is a court case pending on the same matter in the court of Hon'ble District Judge cum Land Acquisition, Rehabilitation and Re-settlement Authority, Nagaon, which was registered as Ref (LA) Case No. 1/2018 in connection with Deputy Commissioner's office LA Case No. 37/2013. It has been mentioned in the WS that the sought for informations were not furnished as exempted information u/s 8(1) (h) of the RTI Act, 2005 in view of the pending court case. This Commission is of the view that the exemption clause u/s 8(1) (h) is not applicable in the instant second appeal case. The petitioner is entitled to get the sought for informations.

3. The ADC (LA Branch), Nagaon is, therefore, directed to furnish the sought for informations, as already directed by this Commission vide its order dated 5.10.2018 and by the first appellate authority vide his order dated 10.8.2018, to the petitioner within 7 days from the date of receipt of this order, which was pronounced in presence of both the parties.

4. As regards the notice asking the ADC (LA Branch), Nagaon to show cause as to why penalty u/s 20 of the RTI Act, 2005 should not be imposed on him, the ADC (LA Branch) has submitted a reply dated 7.11.2018 giving more or less the same

justifications as given in WS, also dated 7.11.2018, referred to above. His reply to the show cause notice is entered into the case records. His prayer for non-imposition of penalty is granted with direction that such delay by taking recourse to non-applicable exemption clauses should be avoided in future.

With the above order, the second appeal petition dated 5.9.2018 is disposed of.

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

Authenticated true copy.

Joint Registrar  
Assam Information Commission

Memo No. SIC/ NGN.361/2018/

Dtd. 08.11.2018

Copy to: 1. The Addl Deputy Commissioner & SPIO of the office of the Deputy Commissioner, Nagaon, Assam for information and necessary action.  
2. Shri Hareswar Borah, Laokhowa Road, Near Sitala Mandir, North Haiborgaon, Nagaon, Assam, PIN-782002 for information  
3. Computer Section for uploading in the Website.  
4. Office File.  
5. Order Book

Joint Registrar  
Assam Information Commission