

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

Case No. : SIC/NLB.57/2017
Appellant : Shri Lalchand Ali Ahmed
Respondent : (i) The SPIO, O/o the Deputy Commissioner, Nalbari (FCS & CA) Branch, Nalbari
(ii) The Secretary, M/S Uttar Barkhetri BSS Ltd., Nalbari
Date of hearing : 06.12.2017
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
06.12.2017

Smt. Biju Bordoloi Terang, Superintendent/SPIO, O/o the Deputy Commissioner, FCS & CA Branch, Nalbari and Shri Nilkanta Das, Secretary, Uttar Barkhetri BSS Ltd. Nalbari are present. A Written Statement dated 06.12.2017 has been submitted.

The Appellant, Shri Lalchand Ali Ahmed is present.

Heard the Appellant. He submitted that he had not received the information he had sought for.

Perused the case record. It is seen that the Appellant had sought certain information from the SPIO relating to Uttar Barkhetri BSS Ltd., Nalbari through his Application dated 09.08.2017 sent through Speed Post. After not receiving the information, he submitted a First Appeal dated 06.09.2017 to the “District Head Office, FCS & CA, Nalbari”. In response to the First Appeal, the SPIO/Superintendent, FCS & CA, Nalbari forwarded the same to the Secretary of the BSS Ltd. through a letter dated 11.09.2017 with the direction to furnish the information directly to the Appellant. The information sought for related to both PDS and administrative matters such as Minutes of AGMs and Accounts. It is noticed that the information has been sought from the Cooperative Society directly and not from the Administrative/Regulatory Department such as Cooperation Department or FCS & CA.

Perused the Written Statement and heard the SPIO. The fact of issuing the direction to the Secretary of the said BSS Ltd. in response to the First Appeal has been reiterated.

Heard the Secretary of the BSS Ltd. He submitted that while he was in the process of collecting the information to furnish the same to the Appellant on the strength of the Department of Cooperation, Government of Assam Notification dated 28.03.2011, he came across an order from the same Department dated 08.12.2011 that the said Notification should remain suspended in pursuance of the order of the Gauhati High Court, and he therefore did not provide the information. He further submitted that records/documents relating to the information sought for pertained to four long years from 2014-2017. Photocopying all the documents would therefore involved deployment of disproportionate resources of the society.

The Appellant further submitted that considering the volume of the related records sufficient information is furnished for the year 2017.

In view of the facts brought out above, and the fact that in strict terms the information related to the Cooperative Society can only be furnished by accessing the same U/S 2 (f) of the RTI Act, 2005 and/or relevant laws for the time being in force, the Commission hereby orders as follows-

- (i) The SPIO, O/o the Deputy Commissioner, Nalbari, FCS & CA Branch shall allow the Appellant to inspect the records in the office of the Uttar Barkhetri BSS Ltd. and indicate the documents whose photocopies pertaining to PDS he would require. The Secretary of the BSS Ltd. shall furnish up to 50 copies of the certified documents duly authenticated and the cost of photocopying beyond that number shall be borne by the Appellant. The date of inspection may be communicated by the SPIO to the Appellant and the Secretary of the BSS Ltd. to mutually convenient within 10 days of receiving this order. The entire exercise shall be completed within 3 days from its commencement.
- (ii) The SPIO, O/o the Deputy Commissioner, Nalbari, FCS & CA Branch shall transfer the Application for information to the SPIO, O/o the Assistant Registrar of Cooperative Societies, Nalbari for furnishing the information other than that relating to PDS. The SPIO, O/o the ARCS, Nalbari shall, on receipt of the Application furnish the information within a maximum of 30 days as stipulated by the said Act.

The Second Appeal is hereby disposed of.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-

Joint Registrar
Assam Information Commission

Memo No. SIC/NLB.57 /2017

Dtd.06.12.2017

Copy to:

1. The SPIO, O/o the Deputy Commissioner, Nalbari FCS & CA Branch, Nalbari, Dist- Nalbari, Assam, Pin- 781 335 for information and necessary action.
2. The Secretary, M/S Uttar Barkhetri BSS Ltd., Kekankuchi, Dist- Nalbari, Assam, Pin- 781 138 for information and necessary action.
3. The SPIO, O/o the Assistant Registrar of Cooperative Societies, Nalbari, Dist- Nalbari, Assam for information and necessary action.
4. The First Appellate Authority/ Deputy Commissioner, Nalbari, FCS & CA Branch, Nalbari, Dist- Nalbari, Assam, Pin- 781 335 for information.
5. The Appellant, Shri Lalchand Ali Ahmed, S/o- Lt. Jamaluddin, Vill- Damdama Pather, PO- Rampur, Dist- Nalbari, Assam, Pin- 781 312 for information.
6. Computer Section for uploading in the Website.
7. Office File.

Joint Registrar
Assam Information Commission