



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

Case No. : KP(M).543/2018  
Complainant/ appellant : Shri Dulal Bora  
Respondent : SPIO of Political Department, Govt. of Assam  
Date of hearing : 07.12.2018  
Complaint/ Second : Shri H.S. Das, IAS ( Retd)  
Appeal heard by : Chief Information Commissioner, Assam

**O R D E R**  
12.12.2018

1. The petitioner Shri Dulal Bora is absent. He has informed the Registry of this Commission telephonically for deferment of the date of hearing. The SPIO and Joint secretary of Political Department Shri Biman dutta is present. He has submitted a written statement dated 10<sup>th</sup> December, 2018 enclosing a copy of letter No. PLA(V) 349/2018/33 dated 06.12.2018 from the Addl. Secretary, Political (V) Department, Govt. of Assam wherein it is mentioned that the concerned file is not available in the department and therefore, it is not possible to furnish any reply at the present moment. In view of this the SPIO of Political Department has prayed for some more time for furnishing the required information.
2. In this connection, this Commission would like to refer to section 7(1) of the RTI Act, 2005, which stipulates that the concerned PIO has no option but to either provide the sought for information or reject the request for information on any of the grounds specified under section 8 and 9 of the RTI Act, 2005. The 30 days time period is already over. However, non-availability of the file at present without mentioning the present location of the is not acceptable ground for delaying for furnishing of the sought for information.
3. From the written statement submitted by the SPIO of Political Department it appears that the Addl. Secretary, Political (V) Department is the holder of the relevant information. Therefore, u/s 5(5) of the RTI Act, 2005 he is also deemed to be a PIO or the purpose of the instant second appeal petition dated 14.5.2018. In this connection, this Commission's earlier order dated ... in second appeal case no. 949/2017 is reproduced below for ready reference:
4. The SPIO and the deemed PIO are, therefore, directed to retrieve the file immediately and furnish the information sought for to the petitioner on or before 31<sup>st</sup> December, 2018.
5. Fix 1.30 PM on 10.01.201`9 for review of compliance.

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

Authenticated true copy.

Joint Registrar  
Assam Information Commission

Memo No. SIC/ KP(M).543/2018/

Dtd. 12.12.2018

Copy to: 1. The SPIO of the Directorate of Printing and Stationery, Govt. of Assam, Bamunimaidan, Guwahati-21 for information.  
2. Shri Udaijit Buragohain, C/o- R.P. Sarma, House No. 15, Lisubari, Jayanagar, Khanapara, Guwahati-22 for information.  
3. Computer Section for uploading in the Website.  
4. Office File.  
5. Order Book

Joint Registrar  
Assam Information Commission