



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

Case No.	KP(M)328/ 2019
Complainant/ Appellant	Sri Utpal Das – absent.
Respondent	: SPIO of CM's Office – present as represented by Sri Niranjan Bora, Deputy Secretary & SPIO accompanied by Sri Prabal Jyoti Medhi, Sr.AA of CMO.
Date of hearing	13.05.2019
Complaint/ Second	: Shri H. S. Das, IAS (Retd)
Appeal heard by	Chief Information Commissioner, Assam

O R D E R

13.05.2019

1. Sri Utpal Das, the appellant has sent an e-mail dated 13.5.2019 communicating his inability to attend today's hearing due to his illness. By the same e-mail he requested this Commission to pass appropriate order in his absence. Accordingly, the second appeal petition dated 7.6.2018 read with RTI petition dated 25.11.2017 is taken up for consideration ex parte.
2. The SPIO of CMO has submitted a written statement dated 13.5.2019 with supporting documents. It has been mentioned in the written statement that the petitioner's RTI petition dated 25.11.2017 was received in CMO on 27.11.2017. The RTI petition contained request for three separate informations.
3. The first information sought by the petitioner was the present status of his application dated 13.10.2017 seeking an appointment with the Hon'ble Chief Minister. The SPIO of CMO informed the petitioner vide letter dated 6.1.2018 that the appellant's appointment with the Hon'ble Chief Minister was not confirmed as the subject for seeking appointment was not clearly defined or specific. As such there seems to be no further cause of action on this point of the RTI petition.
4. The second point of the RTI petition referred to the petitioner's letter dated 11.10.2017 addressed to the Hon'ble Chief Minister of Assam. The petitioner wanted to know the present status of his complaint letter dated 11.10.2017 which contained allegations against Guwahati Municipal Corporation officials for allegedly committing illegalities in execution of lease deed with M/s Machkhowa Vegetable Retailer Development Association. The SPIO of CMO mentioned in his WS that since this subject relates to Guwahati Development Department, the complaint petition dated 11.10.2017 was forwarded to the Additional Chief Secretary of GD Department vide ECR No. 97381/2017 dated 24.10.2017. Subsequently, the RTI petition was also transferred to the SPIO of GDD vide CMO's letter dated 18.12.2017. The responsibility of furnishing the required information, therefore, appears to lie with the SPIO of GDD.

5. Coming to the 3rd point of RTI petition, the petitioner wanted to know the present status of his letter dated 18.10.2017 submitted to the Hon'ble Chief Minister of Assam regarding alleged illegalities committed by one NGO, named, GOLD whose General Secretary is one Dr. Rajib Kumar Sarma. The SPIO of CMO has mentioned in his WS that the complaint letter dated 18.10.2017 was forwarded to the Principal Secretary to the Govt. of Assam, Health & Family Welfare Deptt. vide ECR No. 100721/2017 dated 24.10.2017 and subsequent RTI petition was transferred to the SPIO of Health & Family Welfare Department vide letter dated 18.12.2017. The responsibility for furnishing the sought for information, therefore, appears to lie with SPIO of Health & FW Deptt. This Commission remembers, in an earlier second appeal petition of the same appellant on the same subject relating to alleged illegalities committed by an NGO, named GOLD, whose General Secretary is Dr. Rajib Kumar Sarma, which was disposed of by this Commission with a final order. The SPIO of Health & FW Department may verify the correct position and furnish an appropriate response to the appellant.

6. In view of the above, the SPIOs of Guwahati Development Deptt. and Health & FW Deptt. are directed to furnish appropriate replies to the appellant in respect of Point No.2 and Point No.3 respectively of the RTI petition dated 25.11.2017 to the petitioner within 20 days from the date of receipt of this order.

7. With the above order, the second appeal petition dated 7.6.2018 is disposed of.

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

Authenticated true copy.
Sd/-
Registrar i/c
Assam Information Commission

Memo No. SIC/ KP(M)328/2019

Dated 13.05.2019

Copy to:

1. The SPIOs of CMO/Guwahati Municipal Corporation/ GDD/Health & FW Deptt. for information and necessary action.
2. Sri Utpal Das, House No.41, Rang Pathar Bye Lane, Fatasil Ambari, Ghy.25.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Registrar i/c
Assam Information Commission