



**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

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Case No. : SIC/NLB.3 /2019
 Appellant : Sri Lalchand Ali Ahmed
 Respondent : The SPIO/ Asstt. Executive Engineer (PHE),
 Barpeta Sub-Division, Dist.- Barpeta, Assam
 Date of hearing : 08.05.2019
 Second Appeal heard by : Sri Pinuel Basumatary, IA & AS (Retd.)
 State Information Commissioner, Assam

O R D E R

08.05.2019

The SPIO is absent without information. He has not submitted any Written Statement and has not explained as to why penalty U/S 20 (1) of the RTI Act, 2005 should not be imposed on him for his failure to furnish the information sought for within the time stipulated.

The Appellant, Sri Lalchand Ali Ahmed is present.

Considering that the Appellant is present, and the RTI Application has been pending for almost eight months, the Commission decided to conduct the hearing proceedings *ex parte* of the Public Authority.

Heard the Appellant. He submitted that as stated in his Second Appeal dated 28.01.2019, the SPIO/AEE had sought from him an amount of Rs. 1000/- as cost of photocopying documents despite the fact that the communication was made to him after expiry of the time limit of 30 days stipulated under the RTI Act, 2005. He submitted that he had not received any decision from the First Appellate Authority/EE, PHE, Barpeta. He further submitted that he had gathered that the Public Authority had received the notice of the Commission for today's hearing. According to him, Sri Pranjit Talukdar is the current AEE, PHE, Barpeta Sub-Division and SPIO.

Based on the submission by the Appellant and the material on record, the Commission determines that the SPIO/AEE had neither furnished the information nor sought for the cost of photocopying within the stipulated time and therefore it is not in accordance with the said Act to seek the cost of photocopying from the Appellant. It is also seen that the SPIO has not been diligent in dealing with the RTI Application in time and in helping the Appellant to have access to the information in accordance with the provisions of the said Act. However, considering that some communication was made with the Appellant, the Commission has decided to take a lenient view on the failure of the SPIO and not to invoke the penal provisions of the Act. However, **the Commission hereby directs Sri Pranjit Talukdar, SPIO/AEE, PHE, Barpeta Sub-Division to furnish the information to the Appellant, free of cost within 15 days of receipt of this order.**

The Commission observes that the FAA/EE, PHE, Barpeta has also failed to take action on the First Appeal in accordance with the said Act. He is hereby directed to ensure that the SPIO/AEE, PHE, Barpeta Sub-Division shall comply fully with this order.

The Second Appeal is hereby disposed of with the above direction.

Sd/-

Pinuel Basumatary IA & AS (Retd.)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-
Joint Registrar
Assam Information Commission

Memo No. SIC/NLB.3 /2019

Dtd.08.05.2019

Copy to:

1. Sri Pranjit Talukdar, Asstt. Executive Engineer (PHE)/SPIO, Barpeta Sub-Division, Dist.- Barpeta, Assam, Pin- 781 301 for information and necessary action.
2. The First Appellate Authority/Executive Engineer (PHE), Barpeta, Dist.- Barpeta, Assam, Pin- 781 301 to ensure compliance with the above order.
3. The Appellant, Sri Lalchand Ali Ahmed, S/o- Jamaluddin, Vill- Damdama Pather, PO- Rampur, Dist- Nalbari, Assam, Pin- 781 312 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Joint Registrar
Assam Information Commission