



**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

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Case No. : SIC/NLB.8 /2018
Appellant : Sri Kamal Kumar Jain
Respondent : The SPIO/ Sub-Divisional Engineer, Nalbari Electrical
Sub-Division No. 1, Dist.- Nalbari, Assam, Pin- 781 335
Date of hearing : 09.04.2019
Second Appeal heard by : Sri Pinuel Basumatary, IA & AS (Retd.)
State Information Commissioner, Assam

O R D E R

09.04.2019

Sri Narayan Das, SPIO/Sub-Divisional Engineer, Nalbari Electrical Sub-Division No.1 is present. He submitted a Written Statement dated 09.04.2019.

The Appellant absent without information.

Perused the Written Statement. The SDE has submitted that he has taken over charge on 15.03.2019 and that has not been able to trace the concerned file and that he is consulting his predecessor on the matter.

The Commission had heard the Second Appeal and issued an order on 26.07.2018. The Commission's order was that the SPIO would review the earlier decision not to furnish the information quoting Section 8 of the RTI Act, 2005, trace the missing service connection file in respect of Sri Osman Ali and provide the information and/or clear reasoning for the decision not to furnish the information. Further, should the original service connection be unavailable, a thorough inquiry be made afresh to determine whether service connection sanctioned and given to the said Sri Osman Ali was in accordance with APDCL's service code, and withdraw the same if found to be in violation of the service code. The entire exercise was to be completed by the Public Authority within 21 days of receipt of the order.

The SDE submitted in his personal deposition that he was not in a position to apprise the Commission about the status of compliance or otherwise with the Commission's order on account of his being new and the inability to locate the concerned file.

The Commission observes that there is no evidence of the earlier SDE, Sri Arup Paul, Asstt. General Manager, Hailakandi Electrical Division having complied with the said order of the Commission except that through a letter dated 13.09.2018 he had informed the Appellant that the information could not be furnished while the investigation was on. However, it is over six months since that letter was written. The investigation ought to have been concluded long

time back and the information furnished. In his Complaint, the Appellant was aggrieved that the inquiry process was stated to have been on-going in the month of September, 2018 whereas the Commission had ordered action within 21 days. Further, he added that the SPIO had received the report on 08.10.2018 which he had sought from the Revenue Circle Officer and yet there was no action on his part.

In view of the facts brought out above, **the Commission hereby orders that the SPIO/SDE, Nalbari Electrical Sub-Division No. 1 shall fully comply with the order of the Commission dated 26.07.2018 within 15 days of receipt of this order.**

Should the Appellant/Complainant not be satisfied, he shall be at liberty to move this Commission again.

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.8 /2018

Dtd.09.04.2019

Copy to:

1. The SPIO/Sub-Divisional Engineer, Nalbari Electrical Sub-Division No. 1, Dist.- Nalbari, Assam, Pin- 781 335 for information and necessary action.
2. The First Appellate Authority/ Assistant General Manager, Nalbari Electrical Division, APDCL (LAR), Nalbari, Dist.- Nalbari, Assam, Pin- 781 335 for information.
3. The Appellant, Sri Kamal Kumar Jain, S/o- Lt. Kailash Chand Jain, Baruah Road, Ward No. 6, Nalbari Town, Dist.- Nalbari, Assam, Pin- 781 335 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Joint Registrar
Assam Information Commission