

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

Case No. : KP(M).337/2019
Complainant/ appellant : Shri Pawan Kr. Agarwal
Respondent : SPIO of the office of the Officer incharge, Srikona Patrol
Post, Silchar-26
Date of hearing : 20.6.2019
Complaint/ Second : Shri H.S. Das, IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R
20.6.2019

1. The appellant Shri Pawan Kr. Agarwal is present. The public authority to be represented by the SPIO of the office of the Officer i/c, Srikona Patrol Post, Srikona, Silchar-26, district Cachar, Assam is absent without any information, although notice vide this Commission's letter No. SIC/KP(M).337/2019/7 dated 27.5.2019 was sent to him. The first appellate authority of the office of the Superintendent of Police, District Cachar, Silchar or his representative is also absent without any information. The notice sent to the SP, District Cachar, Silchar was returned undelivered by the postal authority. The second appeal petition dated 31.07.2018 is taken up for hearing ex parte in the absence of the concerned first appellate authority and SPIO, or their authorized representatives.
2. The appellant submitted before this Commission a copy of letter dated 6.7.2018 from the SP, Cachar, Silchar informing him that the informations sought for by him cannot be provided as it may hamper investigation of the case. As regards the informations against point nos. 7(5) and 7(6) of the RTI petition, they were furnished to the petitioner vide aforesaid letter dated 6.7.2018.
3. From perusal of the RTI petition dated 21.05.2018 and from the oral submissions made by the appellant today, it transpired that the subject matter of the RTI petition relates to land grabbing and impersonation in order to receive compensation award against surface damage for laying high tension electric power line by Power Grid Corporation of India over a plot of land purportedly owned by the appellant Shri Pawan Kr. Agarwal and his wife. Being aggrieved by deprivation from receipt of compensation awards which according to the appellant were due to him and his wife, they filed FIRs in Srikona Patrol Post in the years 2013, 2017 and 2018 under various sections of Indian Penal Code and the Assam Land Grabbing (Prohibition) Act, 2010. This Commission is of the view that the exemption clause u/s 8(i) (h) of the RTI Act, 2005 in case of – informations which would impede the process of investigation or apprehension or prosecution of offenders – does not seem to be applicable at this stage in the instant second appeal case on the following grounds:- (i) The FIRs are already six years, two years and one year old and it is expected that investigation on such matters should not go on indefinitely. In view of the appellant's perceived grievance that he has been

cheated by depriving him from receipt of compensation awards due to him and his wife, by certain unscrupulous elements, it is expected that investigations are completed within reasonable time periods, and (ii) the offence committed, if any, by the persons against whom the appellant filed FIRs in the police station seems to be alleged manipulation of records. Therefore, investigation of the FIRs seem to involve mainly the relevant land compensation payment records of Power Grid Corporation of India and relevant land records maintained by the concerned revenue authorities. Therefore, the grounds of impediment to the process of investigation or apprehension or prosecution of the offenders as a result of exemption from disclosure of the information do not seem to be tenable in the instant case.

4. In view of the aforesaid, the grounds for rejection of the sought for informations as communicated by the SP, Cachar to the petitioner vide letter No. G/RTI/2018/3677 dated 6.7.2018 are set aside. The Officer i/c, Srikona Patrol Post, Silchar-26, District Cachar is, therefore, directed to furnish the sought for informations along with the present status of the four FIRs mentioned in point no. 1 of the RTI petition dated 21.05.2018 to the petitioner, within 15 days from the date of receipt of this order except informations against point no. 7(5) and 7(6) of the RTI petition, which have already been furnished.

5. With the above order, the second appeal petition dated 31.07.2018 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).337/2019/

Dated. 20.6.2019

Copy to: 1. The Superintendent of Police, Cachar district, Silchar, Assam for information and necessary action.

2. The Officer i/c, Srikona Patrol Post, Silchar-26, District Cachar, Assam for information and necessary action.

3. Shri Pawan Kr. Agarwal, Prakaksh Tower, 1st Floor, opp, Paallavi Motors, ABC Point, Guwahati-781 005 for information.

4. Computer Section for uploading in the Website.

5. Office File.

6. Order Book

Registrar i/c

Assam Information Commission