



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

Case No. : SIC/NGN.68/2016  
Appellant : Shri Durgeswar Das  
Respondent : The SPIO, O/o the Block Dev. Officer,  
Batadrava Dev. Block, Nagaon.  
Date of hearing : 27.03.2017  
Second Appeal heard by : Shri Pinuel Basumatary,  
State Information Commissioner, Assam

**O R D E R**  
27.03.2017

The SPIO absent without information.

The Appellant, Shri Durgeswar Das is present.

The SPIO has not submitted any Written Statement to the Commission and also has not explained as to why penalty U/S 20 (1) of the RTI Act, 2005 shall not be imposed on him for his failure to furnish the information sought for within the stipulated time period.

The Appellant submitted that the SPIO has not complied with the order of the Commission dated 15.11.2016.

Perused the case record. It is seen that the Second Appeal dated 16.03.2016 was submitted to the Commission regarding non-response of the SPIO as well as the First Appellate Authority/Project Director, DRDA, Nagaon. The case was heard and an order issued on 15.11.2016 as follows-

- (i) The SPIO, O/o the BDO, Batadrava Dev. Block, Nagaon shall provide the information sought for by the Appellant, free of cost, within a period of 15 days of receipt of this order, and
- (ii) The SPIO shall explain in writing as to why penalty U/S 20 (1) of the RTI Act, 2005 shall not be imposed on him for his failure to furnish the information within the time stipulated. The explanation shall be submitted to the Commission within 21 days of receipt of this order.

The Commission had also ordered that the next date of hearing might be fixed in five weeks' time. However, much more time has been afforded to the SPIO/BDO by fixing hearing today. In spite of this, the SPIO has not complied with the said order of the Commission. He has not only not furnished the information within 15 days of receipt of the order but has also not done the same until today. He has also not cared to be present in today's hearing to apprise the Commission of the status of the case or to explain his lack of compliance.

The SPIO/BDO has not made use of the opportunity given him to explain as to why penalty should not be imposed on him as called for through the Commission's order. Considering that the SPIO/BDO did not furnish the information within the time stipulated U/S 7 (1) of the Act, after receiving the same on transfer U/S 6 (3) from the SPIO, O/o the PD, DRDA, Nagaon through letter no. DRDA(N)1799/(Part)/2015-16 dated 02.03.2016, and has neglected to submit an explanation regarding penalty as mentioned above, it would therefore be expedient to impose a penalty on the SPIO. The Commission therefore hereby orders as follows-

- (a) The SPIO shall comply with the Commission's order no. (i) as contained in order no. SIC/NGN.68/2016 dated 15.11.2016 and furnish the information to the Appellant, free of cost, within a period of 10 days of receipt of this order, and

- (b) The Commission imposes a penalty of Rs. 15,000/- (Rupees fifteen thousand) U/S 20 (1) of the RTI Act, 2005 and directs to deposit the penalty amount through Treasury Challan under the Head - "0070 - Other Administrative Services" with a copy of the same to the Commission within 15 days of receiving the order.

The Second Appeal is hereby disposed of.

Sd/-  
Pinuel Basumatary  
State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy

Sd/-  
Joint Registrar  
Assam State Information Commission

Memo No. SIC/NGN.68/2016  
Copy to:

Dtd. 27.03.2017

1. The SPIO, O/o the Block Dev. Officer, Batadrava Dev. Block, Nagaon for information and necessary action.
2. The First Appellate Authority/Project Director, DRDA, Nagaon for information.
3. The Appellant, Shri Durgeswar Das, Residence of Christian Patty, PO- Nagaon, Nagaon-782 001, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Joint Registrar  
Assam State Information Commission