



**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

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Case No. : SIC/DRN.28 /2019
Appellant : Sri Bipul Ch. Sarma
Respondent : 1. The SPIO, O/o the Commissioner of Excise, Assam,
Housefed Complex, Dispur, Guwahati- 6
2. The SPIO, O/o the Superintendent of Excise, office of the
Deputy Commissioner, Kamrup (M), Guwahati- 1
Date of hearing : 22.07.2019
Second Appeal heard by : Sri Pinuel Basumatary, IA & AS (Retd.)
State Information Commissioner, Assam

O R D E R
22.07.2019

Sri Debojit Nath, Superintendent of Excise and SPIO, Kamrup, Guwahati is present along with Sri Bijay Kr. Goswami, Inspector of Excise, office of the Superintendent of Excise. A Written Statement dated 19.07.2019 submitted by the SPIO.

The Appellant, Sri Bipul Ch. Sarma is present.

A Written Statement dated 02.07.2019 has been received from the SPIO, office of the Commissioner of Excise, Assam. Perused the same. It has been submitted that query numbers 1, 4 and 5 of the RTI Application dated 21.12.2018 were transferred to the Superintendent of Excise, Kamrup through a letter dated 10.01.2019 as the required information was available in that office. As regards, query numbers 1, 2 and 3 information was furnished through a letter dated 15.03.2019. A copy of the said letter has been enclosed for evidence.

Perused the Written Statement and heard the SPIO, Superintendent of Excise, Kamrup. The RTI Application was received on transfer on 18.01.2019 and a reply given to the Appellant through a letter dated 26.02.2019. The reason for the delay in furnishing the information has been explained.

The Appellant submitted that as he had stated in his Second Appeal that the information he had received was incomplete in that no copy/copies of the official order(s) relating to the suspension and reinstatement of the relevant constable had been furnished to him. The Superintendent of Excise had simply stated that the copy of the order of reinstatement was not available in his office. As regards, queries 2 and 3, he was satisfied with the information furnished by the SPIO, office of the Commissioner of Excise, Assam.

The SPIO submitted that suspension and reinstatement of the relevant constables happened during the posting in the office of the Superintendent of Excise, Darrang, Mangaldai and therefore information ought to be available with that Public Authority. However, query number 4 of the RTI Application was not transferred to that Public Authority.

The Commission observes that the SPIO, office of the Commissioner of Excise, Assam had delayed in transferring the Application much beyond the stipulated time of 5 days from the date of receipt of the Application U/S 6 (3) of the RTI Act, 2005. However, while transferring query numbers 1, 4 and 5 of the Application the reason for transferring namely non-availability of the information was not indicated in the transfer letter. Further, the SPIO, office of the Superintendent of Excise, Assam has made an error in not transferring query number 4 to the relevant Public authority namely, the SPIO, office of the Superintendent of Excise, Darrang, Mangaldai in all these months.

In view of the facts brought out above, **the Commission hereby orders that the SPIO, office of the Superintendent of Excise, Kamrup shall transfer query number 4 to the SPIO, office of the Superintendent of Excise, Darrang, Mangaldai within 5 days of receipt of this order with a request to furnish the information directly to the Appellant as soon as possible and at any rate, within the stipulated time of 30 days from the date of receipt of the Application.**

The Second Appeal is hereby disposed of. However, the Appellant shall be at liberty to file afresh First Appeal to the First Appellate authority of the office of the Superintendent of Excise, Darrang, Mangaldai regarding query number 4.

Sd/-

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

Authenticated true copy

Sd/-

Joint Registrar
Assam Information Commission

Memo No. SIC/DRN.28 /2019

Dtd.22.07.2019

Copy to:

1. The SPIO, O/o the Commissioner of Excise, Assam, Housefed Complex, Dispur, Guwahati- 6 for information and necessary action.
2. The SPIO, O/o the Superintendent of Excise, office of the Deputy Commissioner, Kamrup (M), Guwahati- 1 for information and necessary action.
3. The First Appellate Authority/ office of the Commissioner of Excise, Assam, Housefed Complex, Dispur, Guwahati- 6 for information.
4. The Appellant, Sri Bipul Ch. Sarma, S/o- Lt. Bhuban Ch. Sarma, Vill- Gharua Sonapur, PO- Dhekipara, PS- Sipajhar, Dist.- Darrang, Assam, Pin- 784 145 for information.
5. Computer Section for uploading in the Website.
6. Office File.



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