



**OFFICE OF THE  
ASSAM INFORMATION COMMISSION**

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Case No. : SIC/KMJ.10 /2019  
 Appellant : Sri Sitangshu Roy  
 Respondent : The SPIO, O/o the Chief General Manager (H/Q),  
 APDCL, Bijuli Bhawan, Paltan Bazar, Assam  
 Date of hearing : 24.09.2019  
 Second Appeal heard by : Sri Pinuel Basumatary, IA & AS (Retd.)  
 State Information Commissioner, Assam

**O R D E R**  
 24.09.2019

Sri Saifun Noor Ahmed, DGM (Law) and SPIO, office of the APDCL, Guwahati is present along with Sri Mikot Choudhury, AGM, office of the CGM (HQ). A Written Statement dated 23.09.2019 submitted by the SPIO.

Sri Tahirul Islam Tapadar and Md. Faruk Abdullah, Advocate are present along with a authority letter from the Appellant and the Vakalatnama.

Heard the SPIO and perused the Written Statement. The RTI Application dated 18.01.2019 was received by the office of the SPIO on 30.01.2019 and a reply was furnished through a letter dated 14.02.2019. Thereafter, a First Appeal was filed by the Appellant dated 28.02.2019. The First Appeal has also been replied to through a letter dated 08.03.2019. It is submitted that the resolutions whose copies were sought for by the applicant was not approved by the Board of Directors as the same was not in accordance with norms. As such those two resolutions sought by the applicant, were not final. Seventeen persons had approached the Hon'ble High Court on the matter.

Heard the Appellant's representatives. As stated in the Second Appeal dated 12.06.2019 the plea taken by the SPIO for not furnishing the information sought for through the RTI Application dated 18.01.2019 as being sub-judice and claiming exemption U/S 8 (b) and (h) of the RTI Act, 2005 was not in accordance with the provisions of Section 8 of the said Act. It was reiterated that sub-judice matters *per se* were not among the information exempted from disclosure U/S 8 of the Act.

Perusal of the RTI Application indicates that the Appellant had sought for copies of two resolutions adopted by DPC of the APDCL dated 05.08.2017 and 18.08.2017 respectively.

The SPIO further submitted that the information was not provided on account of apprehension of misuse of the same by the parties affected by the DPC's decisions which had not been approved by the Board of Directors, APDCL.

The Commission is of the view that the documents whose copies have been sought for are a matter of record of the Public Authority whether approved by the Board of Directors or not and are not information exempted from disclosure under any of the Sub-sections of Section 8 of the Act. **The Commission therefore hereby directs the SPIO to furnish authenticated copies of two resolutions sought for by the Appellant, free of cost, within 10 days of receiving this order.**

**The Second Appeal is hereby disposed of.**

Sd/-

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

Authenticated true copy



Joint Registrar  
Assam Information Commission

**Memo No. SIC/KMJ.10 /2019**

**Dtd.24.09.2019**

Copy to:

1. The SPIO, O/o the Chief General Manager (H/Q), APDCL, Bijuli Bhawan, Paltan Bazar, Assam, Guwahati- 781 001 for information and necessary action.
2. The First Appellate Authority/office of the Chief General Manager (H/Q), APDCL, Bijuli Bhawan, Paltan Bazar, Assam, Guwahati- 781 001 for information.
3. The Appellant, Sri Sitangshu Roy, S/o- Lt. Shyama Kanta Roy, Veer Tikendrajit Road, Manipuribasti, Badarpur Town, Ward No. 2, PO- Badarpurghat, Dist.- Karimganj, Assam, Pin- 788 803 for information.
4. Computer Section for uploading in the Website.
5. Office File.



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Assam Information Commission