

Case No. : SIC/ KP(M) 831/2019  
Appellant : Sri Joydeb Das  
Respondent : The SPIO, Assam Seeds Corporation Ltd., Guwahati, Assam  
Date of hearing : 7-1-2020  
Second Appeal heard by : Nilufer Alam Hazarika, IAS (Retd.)  
State Information Commissioner, Assam

**ORDER****8-1-2020**

The petitioner Sri Joydeb Das is present.

The Public authority is represented by Dr. Nandy Roy, G.M. (MKT), ASC, Smt. Priyanka Hazarika, SPIO, Admin. Officer, ASC Ltd. and Sri Gunjanan W. Shyam, ASPIO, ASC Ltd.

Today's hearing is a follow up action on the order passed by the Commission dt. 19-11-2019. The M.D. of ASC Ltd. had submitted a written statement dt. 18-11-2019 enclosing a statement describing actions taken for implementation of the direction in the Commission's earlier order dt. 4-5-2017 and 28-6-2017 in 2<sup>nd</sup> Appeal Case Nos. KP(M) 621/2016 and KP(M) 246/2017 for uploading of information in the website. The M.D. ASC Ltd. submitted that all out efforts have been made to put as much information as possible in compliance of the Commission's earlier orders mentioned above. The appellant orally submitted that all the information as directed by the Commission in earlier orders cited above is yet to be found in ASC Ltd.'s website. The M.D. of ASC Ltd. submitted that some information were voluminous for example bills submitted by the vendors are accompanied by large number of challans and vouchers. The ASC Ltd. has shortage of man power to upload such large number of documents by the regular employees who have to perform other regular duties also. In view of the above the Commission viewed that the main documents like bills, price finalization minutes etc. should be invariably be uploaded on real time basis. As for the supporting documents, the information seeker may ask for inspection of documents on case to case basis. The M.D., ASCL was therefore allowed to submit a prayer before the Commission specifying the voluminous documents in respect of which he would like to have relaxation of this Commission's orders mentioned above for uploading, but which would be kept available for inspection by the information seekers. As regards shortage of man power to upload, the Managing Director accepted the suggestion that he will engage required number of data entry operators for necessary uploading on daily basis. The Commission in exercise of power U/S. 19(8)(a) of the RTI Act, 2005 directed the ASCL to do so immediately.

The M.D. ASCL in view of the aforesaid order dt. 19-11-2019 has submitted a written statement dt. 6-1-2019 seeking for relaxation of uploading of certain documents in the ASC Ltd. website. He has submitted a pointwise compliance report and requested for relaxation for

uploading on a few points. The record of 20 points mentioned is not available in the Case record and the appellant orally submitted that the said points were recorded in Commission's order dt. 28-6-2017 in Case No. KP(M) 246/2017. The diarist of this Commission furnished a copy of the same which is taken on record. The pointwise reply submitted was discussed as follows.

- 1) The M.D. ASCL has submitted that the list of items, which are to be procured are available in the e-bidding documents of ASC Ltd. which has been uploaded in the website.
- 2) A statement of supply order has also been uploaded in the website.
- 3) Schemes under which the procurements are proposed to be made are related to indenting authorities. The petitioner objected that the aforesaid information could be collected from the concerned authorities.
- 4) The petitioner accepted that no budget provision is available in the ASC Ltd.
- 5) The M.D. ASC Ltd. has stated that ASCL is not related to arrangement for distribution of procured goods from the procurement agencies to the final beneficiaries indicating the intermediate stages and agencies in between. The petitioner objected that the information could have been collected from the competent authorities and furnished to him.
- 6) The M.D. ASCL has stated that ASCL is not related to distribution to the final beneficiaries, as such they were unaware of the quantum of subsidy if any.

As regards para 7 to 11 the petitioner stated that he had received the information sought for,

- 12) The SPIO submitted that steps were taken to upload the documents by 20<sup>th</sup> November, 2019, but since it was voluminous, they had requested the Commission for relaxation and the Commission vide order dt. 19-11-2019 directed that the information seekers may ask for inspection of those documents on case to case basis and the M.D. ASCL was allowed to submit specific prayer specifying the voluminous documents, in respect of which he would like to have relaxation of the Commission's order mentioned above for uploading, but which will be kept available for inspection by the inspection seeker.

The SPIO submitted that the information seeker can request for inspection of documents. The petitioner present stated that he had submitted prayer for inspection, but the same was rejected by the SPIO. The SPIO present stated that no such prayer was received. The petitioner however could not produce any documents in support of his claim that he had submitted prayer for inspection of record.

- 13) The SPIO stated that the statement for supply order was already uploaded in the website, but there are approximately 200 numbers of supply orders issued to various suppliers. Each order consists of minimum two pages in legal size. So it becomes an uphill task for scanning and uploading the work order. So a statement of supply order has been uploaded in the website. Copies of supply order may be inspected in the ASCL Head office.
- 14) As regards technical report of verification of the supplied seeds or procured items, the SPIO has stated that there is no such report to be uploaded with ASC Ltd. they orally submitted that seeds to be supplied are already certified by the competent authority of the respective states.
- 15) In view of voluminous number of challans, the SPIO requested for relaxation for uploading of challans and requested the petitioner to inspect the copies in the O/o the ASC Ltd.

The petitioner stated that he was satisfied with the reply furnished vide para 15 to 20.

In view of the facts and circumstances stated above the SPIO ASC Ltd. is directed to collect the information sought for by the petitioner from the competent authorities or transfer the points not related to them, to the competent authorities for furnishing information with copy to the petitioner.

The Commission observes that the information sought for by the petitioner involves a huge volume of information and therefore prayer sought for by the MD, ASC Ltd. for relaxation for uploading of certain documents in the ASC Ltd. website is accepted.

The Commission directs the petitioner to inspect the relevant office records and documents in the office of the M.D. ASC Ltd. within 27 days from the date of receipt of this order if not already submitted and complete inspection of documents during office hours. The petitioner will give at least two days notice to the Public authority for inspection of documents.

The SPIO ASC Ltd. is also directed to allow the petitioner to inspect the relevant records and documents as sought for and allow him to take notes and photocopies of documents free of cost up to 50 copies and thereafter on payment of Rs. 2/- for every additional page of photocopies.

With the above direction the 2<sup>nd</sup> Appeal petition filed by Sri Joydeb Das dt. 21-6-2019 is disposed of.

Sd/-

(Nilufer Alam Hazarika, IAS(Retd.))  
State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy

Sd/-  
Registrar i/c  
Assam Information Commission

**Memo No. SIC/ KP(M) 831/2019**

**Dtd. 8-1-2020**

**Copy to:**

1. The Managing Director, Assam Seeds Corporation Ltd., Khanapara, Guwahati -22, Assam for information and necessary action.
2. The SPIO, Assam Seeds Corporation Ltd., Guwahati - 22, Assam for information and necessary action.
3. The Petitioner, Sri Joydeb Das, House No. 16, Kushal Konwar Road, Near Mayur Krishna Cinema Hall, Ambari, Fatashil, Guwahati – 25 for information.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.



Registrar i/c  
Assam Information Commission