

Case No. : SIC/ SNR.12/2018
Appellant : Sri Gautam Nath
Respondent : The SPIO Office of the Chairperson, Tezpur Municipal Board,
Tezpur, Dist. Sonitpur, Assam.

Date of hearing : 29-5-2019
Second Appeal heard by : Nilufer Alam Hazarika, IAS(Retd.)
State Information Commissioner, Assam

O R D E R**29-5-2019**

Seen the written statement of the Executive Officer, Tezpur Municipal Board dt. 16-3-2019 that the information sought for by the appellant was one No Objection Affidavit. The present office of the Tezpur Municipal Board at the relevant time had been shifted to Tyagbir Hem Baruah Memorial Building situated far away from the present building. As such all the documents of the present office of Tezpur Municipal Board had been shifted from the present building to the said old office at Tyagbir Hem Baruah Memorial Building and after completion of the said new building, all the documents of the said office had been re-shifted to the present new building of Tezpur Municipal Board. For the aforesaid reason of shifting and re-shifting of the office, certain papers and documents had been misplaced and could not be found in the office. The said No Objection Affidavit of one Sri Alok Nath sought to be produced by one Sri Gautam Nath could not be found in the office along with some other papers and documents. The said matter of the missing documents had been informed to the appellant on 26-7-2018. He also mentioned that inability of Tezpur Municipal Board in furnishing the said No Objection Affidavit had already been stated in their written statement before the Assam Information Commission dt. 9-1-2019. He further stated that on receipt of Order dt. 9-1-2019 the said No Objection Affidavit was vigorously searched but the same could not be traced in office. Hence having no way out, one F.I.R. was lodged by the Chairman, Tezpur Municipal Board on 1-3-2019 before the Officer In-charge, Tezpur Police Station.

The petitioner Sri Gautam Nath vide letter dt. 3-5-2019 had informed the Commission that the Public authority had not furnished any information till date after Order dt. 9-1-2019.

On perusal of the RTI petition dt. 2-1-2018 it appears that the name of the Holder against Holding No. 3607 of Ward No. 13 of Tezpur Municipal Board was changed on the strength of a No Objection Certificate of one Sri Alok Nath which is now reported to be missing. For the sake of transparency and to substantiate the legality/validity of the new name against the aforesaid Holding No., it is necessary that the relevant supporting documents must be available at any point of time and in case of any loss or damage, the same should be reconstructed.

Therefore U/S. 19(8)(a) of the RTI Act, 2005 the Executive Officer of Tezpur Municipal Board is directed to obtain a fresh No Objection Affidavit from the person who executed the lost Affidavit and furnish a copy of the same to the petitioner within 30 days from the date of receipt of this order.

If the previous executor refuses to give a fresh Affidavit, then the validity and legality of the existence of the name of the Holder, if he was the beneficiary of the alleged transfer shall be open to question on which the Tezpur Municipal Board may take appropriate administrative action.

Sd/-

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

Authenticated true copy

Sd/-

Joint Registrar
Assam State Information Commission

Memo No. SIC/ SNR.12/2018

Dtd. 29-5-2019

Copy to:

1. The SPIO, Office of the Chairperson, Tezpur Municipality Board, Tezpur, Dist. Sonitpur, Assam for information and necessary action.
2. The First Appellate Authority, Deputy Commissioner, Dist. Sonitpur, Tezpur, Assam for information.
3. The Petitioner, Sri Gautam Nath, S/O Lt. Dhruba Narayan Nath, Vill. Tezpur, Hatipilkhana, W/No. 6, P.O. Tezpur, Dist. Sonitpur, Assam, Pin – 784001, M/No. 9854246797 for information.
4. Computer Section for uploading in the Website.
5. Office File.



Joint Registrar
Assam State Information Commission