



**OFFICE OF THE
ASSAM INFORMATION COMMISSION
JONAKKEE COMPLEX, PANJABARI, GUWAHATI-781037**

Case No. : SIC/KP(M).371 /2019
Appellant : Sri Himadri Dhar
Respondent : The SPIO, O/o the Guwahati Municipal Corporation,
Panbazar, Guwahati- 1
Date of hearing : 03.03.2020
Second Appeal heard by : Sri Kanak Ch. Sarma, ACS (Retd.)
State Information Commissioner, Assam

O R D E R
03.03.2020

Sri Kapil Dev Choudhury, Zonal Engineer and deemed PIO, office of the Guwahati Municipal Corporation is present along with a written statement dated 03.03.2020. The written statement of the PIO is entered into the case record.

The appellant, Sri Himadri Dhar is present.

The appellant has preferred this Second Appeal against the PIO and First Appellate Authority of GMC. His contention is that GMC tried to regularize the unauthorized construction by manipulating the by-laws and issuing forged NOC. The Appellant submitted RTI Application to the PIO of GMC on 02.01.2018 seeking the following information-

Quote

“Whether your department issue any notice to Debanjan Palit, S/o- Haripada Palit, House No.- 44 (A) bye lane no. 1, Birubari Guwahati- 781018, No. GPL/UC/15//49/2017/S/140 dated 30.11.2017 ? If yes please furnish the notice.

If you serve the notice to Debanjan Palit dated 30.11.2017 whether he had received any reply. If yes please furnish it.

Whether your department issue NOC to Sri Palit NoGPL/25/204/01032014/25/1320 dated 22.09.2016 ? If yes furnish it.

Whether the Govt. of Assam given any instruction that all the old pending files applied before dated 01.04.2014 of building permission will be granted as per old building by laws ? If yes please furnish the Assam Govt. order/notification in this regard.

Whether your department close or process the Dabanjan Palit file No.GPL/BP/18/710/050620152? If the file is closed furnish the last update of the process record with date and name of officials ?

Whether you have found any violation on construction at the time of spot verification ?” Unquote

The PIO of GMC vide its letter no. GMC/RTI/01/06-07/Pt111/11501 dated 02.06.2018 furnished the sought for information as follows-

Quote

“ Yes. Copy enclosed.

Yes. Copy enclosed.

Yes. Copy enclosed.

Records not available. Minutes of the Mayor in Council meeting held on 31.03.2016 regarding clearing of pending files for the period 21.2.2014-01/03/2014 is enclosed.

The applicant has not submitted required drawing as per the refusal letter.

Records not available.” Unquote

Being not satisfied with the information provided by the PIO of GMC the appellant filed First Appeal before the FAA of GMC on 29.06.2018 on the ground that information provided is misleading and incomplete. The FAA disposes of the First Appeal vide memo No. GMC/RTI/FAA/43/2018/11680 dated 01.08.2018. The FAA agreed with the replies of the SPIO and passed order that whatsoever information is available in respect to his RTI petition dated 02.01.2018 has already been furnished.

It appears that the PIO has given information in respect of point numbers 1, 2 and 3 as sought for. As regard to point number 4 the PIO has furnished a copy of the minutes of the Mayor-in-council meeting held on 31.03.2016. It appears from the minutes that the GMC decided to approve the building permission as per building Bye-laws of 2006 on the ground that the applications were filed prior to enactment of the new building bye-laws and also GMDA had released the files as per building bye-laws of 2006. This should meet the query of the RTI Application as regard point number 4.

The reply to the point number 5 furnished by the SPIO is not to-the-point. The SPIO should furnish specific replies as to whether the file has been closed as if yes, the last update before closing of the file should be provided.

Regarding point number 6, specific reply as to whether any violation of construction at the time of spot verification has been detected should be provided.

In view of the above, the Commission hereby orders that the SPIO, GMC shall furnish the wanting information as regards point numbers 5 and 6, free of cost, within 10 days of receipt of this order.

The Second Appeal is hereby disposed of.

Sd/-

Kanak Ch. Sarma, ACS (Retd.)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-
Joint Registrar
Assam Information Commission

Memo No. SIC/KP(M).371 /2019

Dtd.03.03.2020

Copy to:

1. The SPIO, O/o the Guwahati Municipal Corporation, Panbazar, Guwahati- 1 for information and necessary action.
2. The First Appellate Authority/office of the Commissioner, Guwahati Municipal Corporation, Panbazar, Guwahati- 1 for information.
3. The Appellant, Sri Himadri Dhar, House No. 2, Bye Lane No. 1, Birubari, Udaypur, PS- Paltanbazar, Guwahati- 781 016, Dist. Kamrup (M), Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Joint Registrar
Assam Information Commission