



**OFFICE OF THE
ASSAM INFORMATION COMMISSION
JONAKKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : SIC/DMJ.15/2020
Complainant/ appellant : Sri Manab Ch. Dutta.
Respondent : SPIO of the Office of the Chairman Municipality Dibrugarh
Date of hearing : 10.11.2020
Complaint/ Second : Dr. A.P. Rout, IPS (Retd.)
Appeal heard by : State Chief Information Commissioner, Assam

O R D E R
10.11.2020

1. The Appellant Sri Manab Ch. Dutta is present. The public authority to be represented by the SPIO of the Office of the Chairman Municipality Dibrugarh and he has sent a letter over e-mail dated 9.11.2020 stating that the information is being provided. The First Appellate Authority has also submitted a letter No. DMJ/RTI/11/2020/ dated 9.11.2020 intimating that the first appeal petition is not received in his office.
2. The PIO of Dibrugarh Municipality has submitted a copy letter No DM/TECH/RTI/375/2019/59/1621 dated 9.11.2020 addressed to the petitioner Sri Manab Ch. Dutta wherein he has mentioned that he took the charge of PIO in October, 2020 and due to Corona pandemic it was very difficult for him to furnish the information to the petitioner and he needs two months time to furnish the required information. However, the Commission observes that RTI petition was received at the Office of SPIO of Dibrugarh Municipality on 25.11.2019 and obviously there was no Corona and related lockdown upto March i.e. for 4 months. Section 7(1) of the RTI Act, 2005 stipulates that the information is to be furnished within one month from the date of receipt of the RTI application. Whereas the PIO of Dibrugarh Municipality did not furnish the information for four months i.e. before Corona period.
3. After June when Corona restrictions are eliminated there is window period about four months where the SPIO should have furnished the replies.
4. The SPIO is silent in his letter and has not mentioned the name of the previous PIO/SPIO who was responsible for keeping the RTI application pending.
5. In light of the above, the Commission orders both the SPIOs (previous and present) to file written affidavit in the next date of hearing explaining why penalty under section 20(1) should not be imposed on them for their failure to furnish information to the petitioner within stipulated time period.
6. Fix 17.12.2020 at 11.45 A.M for next date of hearing.

Sd/-
(Dr. A.P. Rout)

Authenticated true copy.

Sd/-
Registrar i/c
Assam Information Commission

Memo No. SIC/ DMJ.15/2020

Dtd. 10.11.2020

Copy to:

1. Sri Raju Ranjan Rajkumar, SPIO & Assistant Executive Engineer of the Office of the Chairman Municipality Dibrugarh for information and necessary action. (He is directed to remain present on the next date of hearing and submit a written affidavit as ordered)
2. Sri Paramananda Gogoi, Assistant Executive Engineer & erstwhile SPIO of the Office of the Chairman Municipality Dibrugarh for information and necessary action. (He is directed to remain present on the next date of hearing and submit a written affidavit as ordered)
3. The First Appellate Authority Deputy Commissioner, Dist- Dibrugarh for information.
4. The Petitioner, Sri Manab Ch.Dutta, Ward No-2, Dhemaji Tiniali, Dist- Dhemaji, Pin-787057 for information.
5. Computer Section for uploading the order in the Website.
6. Office File.
7. Order Book.

Registrar i/c
Assam Information Commission