



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

Case No. : SIC/KP(M).118/2020
Complainant/ appellant : Sri Joydeb Das.
Respondent : SPIO of the Assam Seeds Corporation Ltd.
Date of hearing : 22.10.2020
Complaint/ Second : Dr. A.P. Rout, IPS (Retd.)
Appeal heard by : State Chief Information Commissioner, Assam

O R D E R
22.10.2020

1. The petitioner Sri Joydeb Das is present. The petitioner filed RTI petition dated 5.12.2019 before the PIO of Assam Seeds Corporation Ltd. (ASCL). As claimed by the petitioner the SPIO failed to furnish the information within stipulated time. He filed first appeal petition dated 24.1.2020 and the appellant stated that no information was given to him.
2. Then the appellant filed second appeal petition before this Commission on 26.2.2020. After receipt of the second appeal the SPIO of ASCL was intimated vide letter No. SIC/KP(M).118/2020/5 dated 14.10.2020 through the Commission's rider on 16.10.2020. At today's hearing, the SPIO is absent and she has sent an e-mail dated 22nd October, 2020 stating that the meeting relating to e-tender has been fixed at 2.00 PM and she is busy with the department meeting. She further intimated that the information will be furnished to the petitioner within 20 days.
3. As per the Section 7(1) of the RTI Act, 2005 the SPIO is bound to furnish the information within 30 days. After that, another 30 days time was available with the First Appellate Authority of Assam Seeds Corporation Ltd when the petitioner filed his first appeal petition. After that and within 90 days the petitioner filed second appeal petition before the Commission that means the First Appellate Authority also failed to furnish information to the petitioner within the stipulated time period. The SPIO of ASCL has shown utter disregard to the provision of the RTI Act, 2005 and casually sent a cryptic e-mail stating that within 20 days information will be provided.
4. It is again surprising to note that the intimation of hearing was conveyed to the SPIO of Assam Seeds Corporation Ltd on 16.10.2020 whereas the e-tender is fixed in pursuance to Assam Seeds Corporation Ltd. letter dated 21.10.2020 i.e. after receipt of the intimation of RTI hearing. So the e-mail of SPIO of Assam Seeds Corporation Ltd. for her inability to attend today's hearing is not a valid and tenable prayer. Further e-tender meeting is fixed at 2.00 PM whereas the hearing is fixed 11.45 onwards and would have been over by 12.30 P.M. So there was enough time for the SPIO to attend the hearing and attend the e-tender meeting as well.
5. In light of the above, the Commission directs the SPIO of Assam Seeds Corporation Ltd. to file a written affidavit explaining why penalty under section 20 (1) of the RTI Act, 2005 should not be imposed on her for disregard to the provision of RTI Act, 2005 and also for her failure to furnish the information within stipulated time period.

6. **Fix 12.11.2020 at 12.00 noon for next date of hearing.**

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

Authenticated true copy.

Sd/-
Registrar i/c
Assam Information Commission

Memo No. SIC/ KP(M)118/2020

Dtd. 22.10.2020

Copy to:

1. Smti Priyanka Hazarika, SPIO of the Office of the Assam Seeds Corporation Ltd., Khanapara, Guwahati-22 for information and necessary action. She is directed to submit a written affidavit to the Commission and personally appear in the next date of hearing.
2. The First Appellate Authority, Office of Assam Seeds Corporation Ltd., Khanapara, Guwahati-22 for information.
3. The Petitioner, Sri Joydeb Das, H.No-16, Kushal Konwar Road, Near Mayur Krishna Cinema Hall, Ambari Fatashil, Ghy-25 for information.
4. Computer Section for uploading the order in the Website.
5. Office File.
6. Order Book.

Registrar i/c
Assam Information Commission