



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

Case No. : SIC/KP(M)30/2021
SIC/KP(M)31/2021
SIC/KP(M)26/2021
SIC/KP(M)29/2021
Complainant/ appellant : Manoj Das
Respondent : SPIO, O/o the Executive Engineer (Irrigation) Borolia Division
SPIO, O/o the District Transport Officer, Hojai
SPIO, O/o the Jalah Dev. Block
SPIO, O/o the Dhamdhama Dev. Block
Date of hearing : 12.03.2021
Complaint/ Second : Dr. A.P. Rout.
Appeal heard by : State Chief Information Commissioner, Assam

O R D E R
12.03.2021

1. The Petitioner Sri Manoj Das is absent. However, He has sent an email dated 12.3.2021 praying for deferment of the date of hearing. Though he has mentioned that due to illness he is unable to attend today's hearing, the email is without any medical certificate. The second appeals are taken up for hearing due to prefixing and presence of the SPIOs. Further, presence of appellant at hearing is not mandatory.

2. Some of the SPIOs have submitted written statements and some SPIOs have deputed their representatives to attend the hearing.

3. The decision of the of the Commission as per cases are as follows:-

(I) SIC/KP(M).30/2021

The SPIO of the Office of the Executive Engineer (Irrigation) Borolia Division has submitted a written statement dated 10.3.2021 which is taken into records. On perusal of the written statement, it is seen that the information has already been furnished to the petitioner vide letter No. BDI/W-103/2011/1275 dated 14.12.2020.

Hence the second appeal petition dated 20.1.2021 is disposed off.

(II) SIC/KP(M)31/2021

The PIO & MVI, O/o the District Transport Officer, Hojai has submitted a written statement dated 9.3.2021 which is taken into records. He has also submitted a letter No. DTHJ/122/2021 dated 10.3.2021 stating that he has authorized Sri Gautam Kr. Das to appear the hearing on his behalf. It is mentioned in the written statement that the DTO, Hojai started functioning smoothly only recently and the required information pertaining to the RTI petition is not available in their office. The Commission accepts the written statement submitted by the PIO of
DTO, Hojai.

The second appeal petition dated 20.1.2021 is hereby disposed off.

(III) SIC/KP(M)26/2021

The petitioner Sri Manoj Das filed RTI petition dated 3.11.2020 seeking following information:

- (a) Please specify: Name, Address & Amount of Fund Spent Under Jalah Development Block with 1st, 2nd, 3rd installment of the fund of 13th, 14th, 15th Finance Commission.
- (b) Please specify: Copy of the Sanction Order to the VCDCs under Jalah Development Block, the fund under 13th, 14th, 15th Finance Commission.

- (c) Please specify: Name, Address & Amount of fund spent in the project implement under SOPD scheme under Jalah Development Block and also copy of the sanction order needed.
- (d) Please specify: Name, Address & Amount of fund spent in the Scheme of MGNREGA under Jalah Development Block and also copy of the sanction order needed.
- (e) Please specify: How many beneficiaries received PMAY house in Jalah Development Block, information needed VCDC wise.

The Block Development Officer, Jalah Development Block has submitted a written statement dated 10.3.2021 which is taken into records.

(IV) SIC/KP(M)29/2021

Similarly the petitioner in connection to the case No. SIC/KP(M)29/2021 has asked the five question as follows:-

- (a) Please specify: Name, Address & Amount of Fund Spent Under Baganpara Development Bloc with 1st, 2nd & 3rd installment of the fund of 13th, 14th, 15th Finance Commission.
- (b) Please specify: Copy of the Santion Order to the VCDCs under Dhamdhama Development Block, the fund under 13th, 14th, 15th Finance Commission.
- (c) Please specify: Name, Address & Amount of fund spent in the project implement under SOPD scheme under Dhamdham Development Block and also copy of the sanction order needed.
- (d) Please specify: Name, Address & Amount of fund spent in the Scheme of MGNREGA under Dhamdhama Development Block and also copy of the sanction order needed.
- (e) Please specify: How many beneficiaries received PMAY house in Dhamdhama Development Block, information needed VCDC wise

On perusal of the RTI petitions dated 22.10.2020 filed by the petitioner, it is seen that the information sought for vide case No. SIC/KP(M)26/2021 and case No. SIC/KP(M)29/2021 are almost similar though the RTI petitions are addressed to two different Development Blocks.

It was pointed out by some representatives of SPIO attending the hearing that the information seeker has no cause of action and locus standi to ask for the information as per the decision of Hon'ble Delhi High Court in Har Kisan VS President Secretariat in WP(C) 7976/2020.

The Hon'ble Court vide the above decision pointed out that **"The Court is of the opinion that whenever information is sought under the RTI Act, disclosure of an interest in the information sought would be necessary to establish the bonafides of the applicant. Non-disclosure of the same could result in injustice to several other affected persons"**.

The Commission after carefully going through the order of the Hon'ble Delhi High Court decides, that the petitioner has not disclosed any interest in the information sought for by him in the above two cases and hence agrees with the SPIOs and disposes off the second appeals. Authenticated copies be given to all concerned

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

Authenticated true copy.

Sd/-
Joint Registrar i/c
Assam Information Commission

**Memo No. SIC/ KP(M)30/2021
SIC/KP(M)31/2021
SIC/KP(M)26/2021
SIC/KP(M)29/2021**

Dtd. 12.3.2021

Copy to:

1. The SPIO, O/o the Executive Engineer (Irrigation), Borolia Division, Tamulpur, BTR, Assam for information.
2. The First Appellate Authority/ Executive Engineer (Irrigation), Borolia Division, Tamulpur, BTR, Assam for information.
3. The SPIO, O/o the District Transport Officer, Hojai, Assam PIN-782435 for information.
4. The First Appellate Authority/ District Transport Officer, Hojai, Assam PIN-782435 for information.
5. The SPIO, O/o the Block Development Officer, Jalah Dev. Block, Jalahghat BTR, Assam PIN-781327 for information.
6. The First Appellate Authority/ Block Development Officer, Jalah Dev. Block, Jalahghat BTR, Assam PIN-781327 for information.
7. The SPIO, O/o the Block Development Officer, Dhamdhama Dev. Block, Baksa, BTR, Assam for information.
8. The First Appellate Authority/ Block Development Officer, Dhamdhama Dev. Block, Baksa, BTR, Assam for information.
9. Sri Manoj Das, Durniti Birodhi Manab Das, Durniti Birodhi Manab Adhikar Surakshar Mancha (DBMASM), Batahghuli Panjabari, Guwahati-37 for information.
10. Computer Section for uploading in the Website.
11. Office File.
12. Order Book.

Joint Registrar i/c
Assam Information Commission