

Case No. : SIC/CCR.32/2021
Complainant/ Appellant : Sri Ranjan Roy
Respondent : SPIO of the Office of Executive Officer, Silchar
Municipal Board, Silchar, Cachar, Assam
Date of Hearing : 26-04-2021
Complaint/ Second : Dr. A.P.Rout,
Appeal heard by : State Chief Information Commissioner, Assam

O R D E R
26/04/2021

1. The petitioner is represented by Smti Sukanya Phukan, Advocate.
2. The petitioner filed his RTI application on 17/12/2020 before the Joint Director Health, Dist. – Cachar, Silchar Assam seeking following information:-
 - (i) How much fund has been received from the Govt. of Assam for combating Covid-19, Cachar till date?
 - (ii) In which particular Head expenditure been made from Covid-19 Fund? Please furnish us in details. If there was any tender and the work order, without work order specify, whether any utilisation certificate been issued and sent to Govt. of Assam.
 - (iii) If without utilisation certificate expenses were made please specify.
 - (iv) Please provide us the cash memos of any purchase been made directly from your good office.
 - (v) Whether during expenditure 100% Transparency been adopted or not.
3. On not getting any information, the petitioner filed 1st appeal before the Deputy Commissioner, Silchar on 20/1/2021.
4. The petitioner then filed 2nd appeal before the Commission on 23/2/2021 stating that *quote* That the Appellant by his application dated 17/12/2020 in the prescribed format under the RTI Act,2005 sought as stated in the RTI application as enclosed herewith. The application was accompanied by postal order of Rs 20 and the application was received by the Silchar Municipal Board on 17/12/2020. But the respondent did not furnished the information within the statutory period of 30 days *unquote*.
5. From the above, it is clear that the petitioner's contention in his 2nd appeal petition is not in conformity with the RTI petition before the Joint Director of Health. As RTI petition was addressed to Joint Director Health whereas on the above paragraph, the appeal states that the application along with postal fees was received by Silchar Municipal Board
6. The SPIO of the Office of Executive Officer, Silchar Municipal Board is absent in today's hearing.
7. The First Appellate Authority/Office of DC Cachar Silchar (RTI Cell: Magistracy Branch) has sent an email dated 23/4/2021 wherein they have mentioned that the matter is under the jurisdiction of Joint Director of Health Services, Cachar and hence they have requested to dispose the appeal petition.
8. From the above the Commission thinks that the petitioner is filing RTI petition wontedly or casually without due diligence and cause of action.
9. In Har Kishan VS President Secretariat in WP(C)7976/2020 **“the Delhi High 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”**.

10. Hence, the Commission is not in a position to take up this case as the respondents in this instant 2nd appeal is factually incorrect.
11. The Commission disposes such erroneous casual RTI 2nd appeal petition being filed by the RTI petitioner.

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

Authenticated true copy.

Sd/-
Joint Registrar i/c
Assam Information Commission

Memo No. SIC/CCR.32/2021

Dtd.26.04.2021

Copy to:

1. The SPIO, O/o the Executive Officer, Silchar Municipal Board, Silchar, Cachar for information.
2. The First Appellate Authority/ The Deputy Commissioner, Cachar, Silchar, Assam for information.
3. The petitioner Sri Ranjan Roy, President, ADARSH NGO, Padmanagar, Bilpar, Silchar-1, P.O – Silchar, Cachar, Assam for information. The petitioner can apply for a fresh RTI application if he so desires.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.

Joint Registrar i/c
Assam Information Commission