



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

Case No. : SIC/KP(M).194/2021
Complainant/ appellant : Sri Harinarayan Pathak.
Respondent : The SPIO, O/o the Executive Engineer, PWD.
Date of hearing : 06.09.2021
Complaint/ Second : Dr. A.P. Rout.
Appeal heard by : State Chief Information Commissioner, Assam

O R D E R
06.09.2021

1. The petitioner Sri Harinarayan Pathak is present. The public authority i.e. the SPIO, O/o the Executive Engineer, PWD Sri Mahendra Mohan Das, Executive Engineer is also present. He has also submitted a written statement dated 4.9.2021 which is taken into records.

2. On perusal of the case records, it is seen that the petitioner Sri Harinarayan Pathak filed RTI petition dated 17.11.2020 before the SPIO, O/o the Executive Engineer, PWD seeking following information

- (i) Copy of the WORKS ORDER(S) in respect of Construction of the New Officer Building of ASSAM INFORMATION COMMISSION at Panjabari, Guwahati-781037.
- (ii) Date of Construction of the Building in terms of the WORKS ORDER(S), as referred to at the Query No. (i) above, in Documentary Proofs.
- (iii) Copy of the NO OBJECTION CERTIFICATES (N.O.C) for the Building Construction Permission being issued from the authority of GMDA or GMC, as the case may be in respect of the Building, as referred to the Query No. (i) above,
- (iv) Name in full with Official Designation, to whom entrusted for supervising of the Construction of the Building, as referred to at the Query No (i) above, in Documentary Proofs.

3. However, the Executive Engineer, PWD has furnished the information as regards point Nos. (i)(ii) and (iv) of the RTI petition and as regards query No.(iii) of the RTI petition, he stated that it is not possible to provide the documents.

4. The Executive Engineer cum First Appellate Authority of PWD mentioned in his written statement that information available in his office has been furnished to the appellant vide letter No. TB/4-276/2012-13/Pt/3674 dated 26.03.2021 and information against point No. 3 of the RTI petition dated 17.11.2020 could not be furnished as the NOC for building permission from the GMDA/GMC is not applicable in case of Govt. building.

5. Here, the Commission would like to add the decision of the Hon'ble Delhi High Court in Har Kisan VS President Secretariat in WP(C) 7976/2020 stating **"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”.

Since petitioner has no cause of action as per the Delhi High Court order in Har Kisan VS President Secretariat in WP(C) 7976/2020 and as pointed out by 1st Appellate Authority in point 4 supra , the second appeal petition dated 22.6.2021 is hereby disposed off.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/ KP(M).194/2021

Dtd. 06.09.2021

Copy to:

1. The SPIO, O/o the Executive Engineer, Public Works Deptt (PWD) Ghy Building, Division-II, Dispur-781006 for information.
2. The First Appellate Authority/the Executive Engineer, Public Works Deptt (PWD) Ghy Building, Division-II, Dispur-781006 for information.
3. The Appellant, Sri Harinarayan Pathak, Padumpukhuri, Uzanbazar, Guwahati-781001 for information.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.

Secretary & Registrar
Assam Information Commission