

OFFICE OF THE
ASSAM INFORMATION COMMISSION

JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

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Case No. : SIC/KP(M)279/2021
Complainant/ Appellant : Tusharjyoti Deka
Respondent : SPIO, Guwahati Metropolitan Development
Authority, Bhangagarh, Guwahati
Date of Hearing : 22/10/2021
Complaint/ Second : Dr. A.P.Rout,
Appeal heard by State Chief Information Commissioner, Assam

O R D E R
22/10/2021

1. The petitioner Sri Tusharjyoti Deka is present. The petitioner has filed his RTI application before the PIO of GMDA, Bhangagarh on 24.2.2021. On non receipt of any information, the petitioner filed 1st appeal before the 1st Appellate Authority of GMDA on 29.5.2021.
2. The SPIO of GMDA then sent part information to the petitioner vide letter dated 6.8.2021. On being not satisfied with the reply the petitioner filed 2nd appeal before the Commission on 9.9.2021 and accordingly the matter was taken up for hearing.
3. The Public Authority is represented by Sri Deberaj Kalita, Town Planner, GMDA, Guwahati.
4. The petitioner intimated that it is their ancestral property and the encroached builder has applied for permission for construction of building even before physical possession of the land.
5. In today's hearing, the petitioner says that he has not got any information relating to point no. 3.
6. On questioning the SPIO mentioned that they have already written a letter vide no. GMDA/RTI/2021/37/12 dated 6.8.2021 to M/S Priyashi Anshi Developers Pvt. Ltd. on 6.8.2021 to furnish ownership documents within 7 days as per the provision of Section 11 of the RTI Act,2005.

But, unfortunately it seems that no action has been taken after expiry of two and half months from the dispatch of the letter.

7. Therefore the Commission directs the SPIO to go through the Section 11 of the RTI Act,2005 carefully particularly the 2nd para which reads *quote* Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party *unquote*.
8. The Commission directs the SPIO to take a decision immediately and intimate to the petitioner within seven days with the intimation to this Registry.
9. The case is disposed off.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/ KP(M).279/2021

Dtd. 22.10.2021

Copy to:

1. The SPIO, Office of the Guwahati Metropolitan Development Authority, Bhangagarh, Guwahati for information and necessary action.
2. The petitioner Tusharjyoti Deka, C/o Reeta Deka, Plot No. 57, Old Agmark Bye lane, Kaliram Choudhury Road, Bharalumukh Guwahati for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Secretary & Registrar
Assam Information Commission