

Case No. : SIC/NLB.9/2021
Complainant/ Appellant : Shri Nur Mohammad Ali.
Respondent : The SPIO, O/o the Executive Engineer, PHE, Belsor
Division, Dist. Nalbari, Assam.
Date of Hearing : 16-12-2021
Complaint/ Second
Appeal heard by : Shri Samudra G. Kashyap.
State Information Commissioner, Assam

O R D E R
16-12-2021

1. The appellant Shri Nur Mohammad Ali is present.
2. Shri Dul Dutta Lahkar, SPIO and Assistant Executive Engineer (PHE), TC, Belsor, PHE Division is present. Shri Gobinda Ojah, FAA and Executive Engineer (PHE) Belsor Division is present. The SPIO has also submitted a written statement dated 16.12.2020 which has been put on record.
3. From perusal of records it is seen that the appellant Shri Nur Mohammad Ali had submitted one RTI petition to the SPIO, O/o the Executive Engineer (PHE) Belsor, on 01.01.2020 seeking certain informations related to implementation of certain projects under Swachh Bharat Abhiyan Mission through an NGO called Mon Society during the year 2020-21. On not receiving any response, the appellant Shri Nur Mohammad Ali submitted a 1st Appeal in the O/o the Executive Engineer (PHE) Nalbari Division on 25.01.2021. Subsequently he submitted a 2nd Appeal in this Commission on 26.04.2021 stating that he had not received any information or any response from the Public Authority against his RTI application dated 01.12.2020 and his 1st Appeal dated 25.01.2021, and prayed for a direction to the Public Authority to provide him the information sought.
4. The SPIO and Asst. Executive Engineer (PHE) T/C Belsor Division in his written statement said that while the RTI petition of Shri Nur Mohammad Ali was received in his office on 17.12.2020, no records could be found in the office file regarding furnishing of information to Shri Nur Mohammad Ali. It has been also stated that while the RTI application was endorsed to Shri Kailash Goswami, Junior Engineer, on 08.01.2021, no action was taken by Shri Kailash Goswami on the RTI application. It has been also mentioned that the 1st Appeal apparently submitted by the appellant Shri Nur Mohammad Ali on 25.01.2021 was neither received nor found in the office record in the Public Authority's office, and that it was only from a copy of the 1st Appeal attached to the notice of hearing sent by the Commission on 21.10.2021 that the SPIO had learned that the 1st Appeal was made by the appellant Shri Nur Mohammad Ali. The SPIO Shri Dul Dutta Lahkar also stated that the 1st Appeal was actually found to have been submitted to the O/o the Executive Engineer (PHE) Nalbari Division whereas the FAA of this particular Public Authority is the Executive Engineer (PHE), Belsor Division. The appellant Shri Nur Mohammad Ali however verbally informed during today's hearing that he had submitted his 1st Appeal to the FAA, O/o the Executive Engineer (PHE) Belsor Division. He however has not submitted any documentary evidence to substantiate his claims. The SPIO, Shri Dul Dutta Lahkar in his written statement mentioned that the information sought by Shri Nur Mohammad Ali had been already collected and are ready to be furnished to him.
5. **In view of the above, The SPIO, O/o the Executive Engineer, PHE, Belsor Division, Assam, is directed to furnish the informations to Shri Nur Mohammad Ali within 7 (seven) days**

from the receipt of this order, free of cost, and obtain an acknowledgement receipt from the appellant.

6. The Commission however is constrained to put on record that the then SPIO, O/o the Executive Engineer (PHE), Belsor Division, had failed to honour the provisions of the RTI Act, 2005, and also failed to disposed of the RTI petition of Shri Nur Mohammad Ali dated 01.12.2020, because of which the appellant has been deprived of accessing information within a time frame stipulated by the Act. ((The present SPIO Shri Dul Dutta Lahkar had joined only on 11.06.2021). Such negligence on the part of the Public Authorities in general and SPIOs in particular should not occur in the future.
7. In view of the above, this 2nd Appeal is hereby disposed of.

Sd/-
(Samudra G. Kashyap)
State Information Commissioner,
Assam.

Authenticated true copy.


Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/NLB.9/2021/11-A

Dated: 16-12-2021

Copy to:

1. The SPIO, O/o the Executive Engineer, PHE, Belsor Division, Dist. Nalbari, Assam, PIN 781304, for information and necessary action.
2. First Appellate Authority/ O/o the Executive Engineer, PHE, Nalbari Division, Dist. Nalbari, Assam, PIN 781306, for information.
3. The petitioner, Shri Nur Mohammad Ali, S/o Puwansha Ali Vill. & P.O. Narayanpur, P.S. Mukalmua Dist. Nalbari, PIN Code 781126, Assam, for information
4. Computer section for uploading in the website.
5. Office File.
6. Order Book.


Secretary & Registrar
Assam Information Commission.