

OFFICE OF THE  
**ASSAM INFORMATION COMMISSION**

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**Case No. : SIC/KP(M) 378/2021**  
**Complainant/ Appellant : Tousif Hussain Reza**  
**Respondent : SPIO, Sub-Divisional Engineer, Kalapahar**  
**Electrical Sub Division, APDCL (LAR), Guwahati**  
**Date of Hearing : 17/01/2022**  
**Complaint/ Second : Dr. A.P.Rout,**  
**Appeal heard by : State Chief Information Commissioner, Assam**

**O R D E R**  
**17/01/2022**

1. The petitioner Tousif Hussain Reza has filed his RTI application on 19.8.2021 before the PIO, O/o the Chairman, Assam Power Distribution Company Ltd., Bijulee Bhawan, Paltanbazar seeking following information:  
(a) Illegal Electricity supply from APDCL on the disputed piece of land having pending Civil Suits from the year of 2012; single electricity connection been used for supplying electricity for 2 consecutive pieces of land.
  - Provide the details of the enquiry of the anomaly.
  - Provide a sketch map of the said lands with its used and marked right of way, with the electricity connections.
  - Provide the land documents so attached to procure the Electricity connections from APDCL, under Consumer No. 002000020056.
  - Provide the details of the usage of electricity connection, when the plot on which the connection so procured was unused and disputed (under court trial), and had no scope of use of the connection.
  - Provide the daily progress made for each particular work.
  - Name and designation of the officials who have considered my application and the number of days it was lying with each official during this period.
  - Please provide the copies of file noting indicating the consideration of my application from the date of receipt till date by the concerned officials. The petitioner would like to inspect all documents related to each case.
  - Copy of the rules/ regulations/orders/citizens charter which lay down the timeline for disposal of matters.
  - Name and designation of the officials who are responsible for dereliction of duty for delaying the RTI petition in violation of relevant rules/regulations/orders.
2. The Chief Executive Officer, GEC I, APDCL(LAR), Ulubari then sent a letter dated 16.9.2021 to the Sub Divisional Engineer of Kalapahar Electrical Sub-Division, APDCL(LAR), Guwahati wherein the CEO has requested to look into the RTI petition and take necessary action in furnishing the information to the petitioner on time.
3. On non receipt of any information, the petitioner filed 1<sup>st</sup> appeal before the 1<sup>st</sup> Appellate Authority, O/o the Assam Power Distribution Company Ltd. Bijulee Bhawan, Paltanbazar, Guwahati on 18.9.2021.
4. Then the petitioner filed 2<sup>nd</sup> appeal before the Commission on 16.11.2021 and accordingly the matter was taken up for virtual hearing.
5. The petitioner through video conferencing said that a generalized report not based on specific questions asked by him was provided by the Assam Power Distribution Company Ltd..

He wanted specific report as how an electricity connection could be given when the land was under unauthorized occupation and there is also a court case.

6. The SPIO has informed that due to Covid related affliction he can't attend the hearing and therefore he has authorized Sri Ranjan Goswami, Junior Manager Electrical of his office to represent the case on his behalf.

The Sub Divisional Engineer in his letter no. SDE/KESD/APDCL/LAR/3379 dated 29.9.2021 mentioned that his team made a spot visit on 29.9.2021 and found out the house/shed was properly wired with effect from 1.7.2015 and electricity connection was given to the house owner.

Since the meter was out of order, it was replaced. He further mentioned that other relevant information as per the RTI petition cannot be given, as the information is 3<sup>rd</sup> party.

7. In light of it, the Commission is not clear whether the provision as per Section 11 of the RTI Act, 2005 regarding 3<sup>rd</sup> party information was followed or not.
8. Further, the documents are presented to public authority to obtain public service on basis of those documents and when the public authority is satisfied, the public service i.e., electricity connection was given.

Further, it is not known whether the documents are marked confidential when submitted before the APDCL Authority. Again these documents cannot form any trade or commercial secret as per the provision of Section 11 of the RTI Act, 2005.

9. In light of the above and since documents are already in public domain i.e., with APDCL and as APDCL has already taken necessary action after evaluating these documents, unless the documents are marked confidential unless they are debarred to be given by any court, the information to be furnished to the petitioner, if the petitioner could satisfy larger public interest involved in it.

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

Authenticated true copy.

Sd/-  
Secretary & Registrar  
Assam Information Commission

**Memo No. SIC/KP(M).378/2021**

**Dtd. 17.1.2022**

Copy to:

1. The SPIO, Sub Divisional Engineer, Kalapahar Electrical Sub Division, APDCL(LAR), Guwahati Assam for information and necessary action.
2. The petitioner Md. Tousif Hussain Reza, R/o House No.4, Hedayetpur, Opp. ASEB Billing Office, Near Guwahati Club, Guwahati Assam 781003 for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Secretary & Registrar  
Assam Information Commission