

Case No. : SIC/KP(M)424/2021
Complainant/ Appellant : Anupam Hazarika
Respondent : SPIO, O/o the Managing Director, Assam State
Transport Service, Paltanbazar, Guwahati
Date of Hearing : 07/02/2022
Complaint/ Second : Dr. A.P.Rout,
Appeal heard by State Chief Information Commissioner, Assam

O R D E R
07/02/2022

1. The petitioner Sri Anupam Hazarika has filed one RTI petition on 27.10.2021 before the SPIO, O/o the Managing Director, Assam State Transport Service, Paltanbazar, Guwahati seeking following information:-
 - (a) Certified copy of the allotment granted to All Assam Distributors of Road Safety Equipment Society by the ASTC for using land of ASTC for fitment of Speed Limiting Devices in Commercial Vehicle.
 - (b) Certified copy of the agreement/s executed between the ASTC and All Assam Distributors of Road Safety Equipment Society in respect of allotment of land in favor of All Assam Distributors of Road Safety Equipment Society.
 - (c) On which date the aforesaid allotment was granted to All Assam Distributors of Road Safety Equipment Society?
 - (d) On which date agreement/s were executed?
2. On non-receipt of any information, the petitioner filed 1st appeal before the 1st Appellate Authority, O/o the Managing Director, ASTC, Paltanbazar on 2.12.2021.
3. In the meantime, on 18.12.2021 the SPIO vide his letter no. ASTC/HO/RTI-2005/DT/233 3702 stated that the information falls under the exemption category and cannot be given.
4. The petitioner then filed 2nd appeal before the Commission on 22.12.2021 and accordingly the matter was taken up for physical hearing.
5. The petitioner Sri Anupam Hazarika is present.
6. The Public Authority is represented by Sri Dipak Tamuli, Personnel Officer cum SPIO, Assam State Transport Corporation, Guwahati.
7. The SPIO has submitted a written statement dated 7.2.2022 stating that the matter is pending at **Honourable Gauhati High Court vide Case No. WP(C) 5576/2021** and the information at this stage cannot be shared.

The SPIO further stated that the information is exempted u/s 8(1)(e)(h)(j) of the RTI Act, 2005, he has elaborated these provisions as follows:

(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—

(d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;

(e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;

(h) information which would impede the process of investigation or apprehension or prosecution of offenders;

(j) information which relates to personal information the disclosure of which

has not relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information: Provided that the information, which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

8. The Commission after careful examination does not find any merit in seeking the exemption by the SPIO under the provisions of Section 8(1)(e)(h)(j) is in no way the allotment granted to All Assam Distributors of Road Safety Equipment Society by the ASTC for using land of ASTC for fitment of Speed Limiting Devices in Commercial Vehicle come under the above provision of the exemption.
9. However the SPIO further stated in the above letter that the above case is pending before the High Court and disclosure at this stage may attract the outcome of the writ petition.
10. When asked the petitioner said that the decision of letting out the usage of land of ASTC for fitment of Speed Limiting Devices in Commercial Vehicle is the issue of public interest and for the transparency in the functioning, the information is required.
11. The Commission after careful examination of the points raised by the petitioner as well as the SPIO would decide since the case is before the Hon'ble Gauhati High Court, the question of transparency and or illegality in the process of usage of ASTC Land for fitment of Speed Limiting Devices in Commercial Vehicle in under the scrutiny of the High Court. The SPIO is to furnish the information to the petitioner after disposal of the case at the High Court, unless the Hon'ble High Court in its direction debar sharing of information.
12. In view of the above, the case is disposed off.

(Dr. A.P. Rout)

Authenticated true copy.

Secretary & Registrar
Assam Information Commission

Memo No. SIC/KP(M) 424/2021

Dtd. 7.2.2022

Copy to:

1. The SPIO, Office of the Managing Director, Assam State Transport Corporation, Paltanbazar, Guwahati 781008 for information and necessary action.
2. The petitioner Sri Anupam Hazarika, Editor, Ne Time India, H. No.55, Rukmini Nagar Path Behind Hotel Rajdhani Regency, Dispur, Guwahati 781006 for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Secretary & Registrar
Assam Information Commission