

Case No. : SIC/KP(M).55/2021.
Complainant/ Appellant : Shri Balin Deka.
Respondent : The SPIO, O/o the Chief Engineer, PHE, Hengrabari,
Guwahati, PIN Code 781036, Assam.
Date of Hearing : 29-09-2021
Complaint/ Second
Appeal heard by : Shri Samudra G. Kashyap.
State Information Commissioner, Assam

O R D E R
04-10-2021

1. The appellant Shri Balin Deka is absent.
2. Smti Monalisa Das, SPIO and AEE(PHE), O/o the Chief Engineer (PHE), Sanitation, Govt. of Assam, Guwahati, is present. She is accompanied by Shri Prabhat Das, PIO, J.E (PHE), O/o the AEE (PHE), Hatsingimari Sub-Division. The PIO has also submitted a written statement No. AEE/PHE/HSM/AC-30/Pt-II/2020-21/19 dated 28.09.2021.
3. The matter has been taken up for hearing despite the absence of the appellant in the interest of speedy disposal of RTI matters.
4. From records it is seen that the appellant Shri Balin Deka had submitted an RTI application in the O/o the Chief Engineer (PHE) Department, Govt. of Assam, Guwahati, on 17.12.2020, seeking certain informations related to Swachh Bharat Mission Programme under jurisdiction of AEE (PHE) SSM (Hatsingimari). On 05.02.2021 the Commission received a letter from the appellant Shri Balin Deka complaining that he had not received any response to his aforesaid RTI application despite lapse of more than 45 days. The Commission admitted the Appeal in the interest of the citizen seeking information and fixed hearing for today, directing the SPIO, O/o the Chief Engineer (PHE), Govt. of Assam, Guwahati, to be present along with written statement.
5. Accordingly, the Commission has received a written statement No. AEE/PHE/HSM/AC-30/Pt-II/2020-21/19 dated 28.09.2021 from the PIO cum Junior Engineer, PHE (Hatsingimari) Sub-Division. On perusal of the written statement it is seen that while the complainant Shri Balin Deka, had signed the RTI petition to the office of the Chief Engineer, PHE, Hengrabari on 17.12.2020, the same was received in the O/o the Chief Engineer, PHE (Sanitation) Guwahati on 08.01.2021. Records also show that the said RTI petition of Shri Balin Deka was transferred by the SPIO, O/o the Chief Engineer (PHE), Sanitation, Hengrabari, Guwahati, to the SPIO, o/o the AEE (PHE), Hatsingimari Sub-Division vide letter No. PHE/CE/Sanitation/688/PT-IX/2019-20/2847 dated 13.01.2021, on 25.01.2021, i.e. within 12 (twelve) days from the transfer of the said RTI. The PIO cum Junior Engineer, PHE (Hatsingimari) Sub-Division responded to Shri Balin Deka vide letter No. AEE/PHE/HSM/AC-30/Pt-II/2020-21/179 dated 25.01.2021 and provided him reply to query No. 1, 3 and 4 and requested him to deposit a some of Rs 4540 (four thousand five hundred fourty) approx as photocopying charges for information related to query No. 2 and 5. It has been also mentioned in the written statement that the RTI petitioner Shri Balin Deka instead of responding to the PIO's letter dated 25.01.2021 containing the request for depositing photocopying charges, filed a complaint to the Commission on 04.02.2021.
6. Though the complainant Shri Balin Deka has remained absent in today's hearing without any intimation, it is clear from the written statement of the PIO cum J.E (PHE) Hatsingimari, that the Public Authority has not faltered in any manner in responding to the said RTI petition. The content of the written statement, including the attachments clearly prove that the complaint of

Shri Balin Deka submitted to the Commission is untrue and not based on facts. **The complainant Shri Balin Deka is hereby cautioned not to file complaints without any basis.**

7. **The Public Authority is directed to give one more opportunity to Shri Balin Deka to collect the informations sought by depositing the necessary photocopying charges within 15 (fifteen) days from the receipt of this order. The complainant Shri Balin Deka is also directed to collect the information sought by depositing photocopying charges within 15 (fifteen) days from the receipt of this order. The PIO shall submit an Action Taken Report on this order within 30 (thirty) days from the receipt of this order.**
8. With the above order, this 2nd Appeal is hereby disposed of and the matter is closed.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/KP(M).55/2021

Dated: 04-10-2021

Copy to:

1. The SPIO, O/o the Chief Engineer, PHE, Hengrabari, Guwahati, PIN Code 781036, Assam, for information.
2. The petitioner, Shri Balin Deka, CEO, Reporter Assam, R.G. Baruah Road, Zoo Road Tiniali, Guwahati PIN Code 781021, for information.
3. Computer section for uploading in the website.
4. Office File.
5. Order Book.


Secretary & Registrar
Assam Information Commission.