

Case No. : SIC/KP(M)26/2022
Complainant/ Appellant : Sri Joydeb Das
Respondent : SPIO, Assam Power Distribution Company Ltd.
Paltanbazar, Guwahati
Date of Hearing : 21/02/2022
Complaint/ Second : Dr. A.P.Rout,
Appeal heard by State Chief Information Commissioner, Assam

O R D E R
21/02/2022

1. The petitioner has filed his RTI petition before the Sub-Divisional Engineer, Assam Power Distribution Company Ltd., Paltanbazar, Guwahati on 9.8.2021 seeking following information:
(a) Please furnish photocopy of document submitted by Consumer named Haradhan Mukherjee, Consumer No. 51000395732 (old) prior new connection.
2. Then the Sub-Divisional Engineer, Assam Power Distribution Company Ltd. (APDCL) wrote a letter to one Mr. Haradhan Mukherjee seeking his consent by considering the information as 3rd party u/s 11 of the RTI Act,2005.
3. In the meantime, the petitioner filed 1st appeal petition before the 1st Appellate Authority, O/o the APDCL, Paltanbazar, Guwahati on 20.9.2021 stating that the information is not 3rd party as it is available with APDCL and does not intrude into the exemption under trade or commercial secret. He also stated that the public interest allows disclosure under section 11 and as per section 8 of the RTI Act,2005 no exemption for giving information to be given when the same cannot be denied to Parliament or State Legislature.
4. The petitioner then filed 2nd appeal before the Commission on 17.1.2022 and accordingly the matter was taken up hearing.
5. The petitioner Sri Joydeb Das is present.
6. The Public Authority is represented by Sri Partha Bortamuly (authorized representative of Sri Biplab Das, SPIO) O/o the Sub-Divisional Engineer, Ulubari Electrical Sub-Division, APDCL, Guwahati.
The Sub-Divisional Engineer has authorized Sri Partha Bortamuly, Assistant Manager to represent him, due to his medical engagement.
7. The Sub Divisional Engineer, Ulubari Electrical Sub Division, APDCL (LAR), Ulubari has submitted a written statement dated 21.2.2022 which is taken into records.
8. Since Sri Partha Bortamuly, Assistant Manager is not adequately conversant with the provision of RTI Act,2005, the SPIO is directed to refer to the provision u/s 8 and 11 of the RTI Act,2005 and take a decision on providing the information within one week, as the petitioner has said that the person about whom the information is required is doubted to use suspicious documents for electricity connection. Hence, there is greater public interest in the documents.
9. The SPIO to take a decision within one week and if the petitioner is not satisfied, he should report back to the Commission.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/KP(M)26/2022

Dtd. 18.2.2022

Copy to:

1. The SPIO, O/o the S.D.E.: Ulubari Electrical Sub Division, Assam Power Distribution Company Ltd., Bijulee Bhawan, Paltan Bazaar, Guwahati 781001, Assam for information and necessary action as ordered above.
2. The petitioner Sri Joydeb Das, S/O Lt. Karunamoy Das, H.No.16, Kushal Konwar Road, Near Mayur Krishna Cinema Hall, Ambari Fatashil, Guwahati 25 for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Secretary & Registrar
Assam Information Commission