

**OFFICE OF THE  
ASSAM INFORMATION COMMISSION**

**JONAKKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037**

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**Case No. : SIC/GLP 3/2022**  
**Complainant/ Appellant : Delowar Hussain**  
**Respondent : SPIO, O/o the District Agricultural Officer,**  
**Goalpara , Assam**  
**Date of Hearing : 28/03/2022**  
**Complaint/ Second : Dr. A.P.Rout,**  
**Appeal heard by : State Chief Information Commissioner, Assam**

**O R D E R**  
**28/03/2022**

1. The petitioner Sri Delowar Hussain has filed a RTI petition before the PIO of District Agricultural Officer, Goalpara on 28.7.2021 seeking following information:  
(a) Please inform in details about different types subsidy fertilizer with its quantity, which were provided for the Goalpara district from 2016 to till date of RTI application from the Govt.  
(b) Please inform also about different retailer and wholesaler's name and address, who had sold the subsidy fertilizer from 2016 to till date of RTI application, supplying their License copies.  
(c) Details about name and address of all beneficiaries of Goalpara district, who acquired subsidy fertilizer and also mention about selling prices of fertilizers.
2. On non receipt of any information, the petitioner filed 1<sup>st</sup> appeal before the District Agricultural Officer, Goalpara on 14.9.2021.
3. On 29.10.2021, the 1<sup>st</sup> Appellate Authority passed an order stating that two whole seller's had already submitted the information and other three wholeseller's had submitted on 28.10.2021 to District Agricultural Officer. The District Agricultural Officer then submitted the information to the petitioner.
4. After receipt of the above information, the petitioner filed 2<sup>nd</sup> appeal before the Commission on 4.2.2022 stating that three whole seller's have given the information seeking exemption u/s 8 of the RTI Act,2005.  
Accordingly, the matter was taken up for hearing.
5. The petitioner is absent without any intimation.
6. The Public Authority is represented by Sri Baga Ram Boro, SDAO (DOCC & TC) & i/c DAIO & SPIO, District Agricultural Office, Goalpara.
7. The Addl. Deputy Commissioner has submitted a written statement dated 22.3.2022 which is taken into records.
8. (a) On perusal of the report submitted by distributor namely Mr. Rohit Kumar Poddar, Proprietor, Goalpara Seed House, Goalpara and Mr. Baharul Islam, Proprietor, M/s Islam Beez Bhandar, Nabagata Simlitola Bazaar, P.O. Simlitola, Goalpara., it is seen that they have taken recourse to exemption u/s 8 of the RTI Act, 2005 which states that 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.  
(b) However, the same provision had also mentioned that the competent authority to take necessary action in giving the information when larger public interest is involved.
9. Further Section 11(1) of the RTI Act,2005 also states that Where a Central Public Information Officer or the State Public Information Officer, as the case may be, intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or has been supplied by a third

party and has been treated as confidential by that third party, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within five days from the receipt of the request, give a written notice to such third party of the request and of the fact that the Central Public Information Officer or State Public Information Officer, as the case may be, intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information: Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.

10. In light of it, the SPIO is directed to take decision and inform the same to the petitioner.

11. In view of the above, the case is disposed off.

Authenticated copies to be given to all concerned.

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

Authenticated true copy.

Sd/-  
Secretary & Registrar  
Assam Information Commission

**Memo No. SIC/GLP.3/2022**

**Dtd. 28.3.2022**

Copy to:

1. The SPIO, O/o the District Agricultural Officer, Goalpara, Assam 783101 for information and necessary action.
2. The petitioner Sri Delowar Hussain, S/o Sukur Ali, Vill. Kalyanpur, P.O. Ambari Bazaar, Dist. Goalpara, Assam for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Secretary & Registrar  
Assam Information Commission