

Case No. : SIC/Biswanath.6/2020
Complainant/ Appellant : Shri Ajay Ashwhiyana.
Respondent : Shri Tarun Baruah, Notary, P.O. Biswanath
Chariali, Dist. Biswanath, Assam, PIN Code 784176.
Date of Hearing : 19-01-2022
Complaint/ Second
Appeal heard by : Shri Samudra G. Kashyap.
State Information Commissioner, Assam.

O R D E R
19-01-2022

1. Due to prevailing Covid pandemic situation the hearing was held through telephonic conference.
2. The appellant Shri Ajay Ashwhiyana is present through tele-conference.
3. Shri Tarun Baruah, Notary, P.O. Biswanath Chariali, Dist. Biswanath, Assam is absent without any information.
4. From records it is seen that Shri Ajay Ashwhiyana had submitted an RTI application to the SPIO, O/o the Deputy Commissioner, Biswanath on 17.09.2020 seeking certain informations under 8 Heads. The said RTI application was transferred to the Notary, Biswanath, Shri Tarun Baruah, by the SPIO, O/o the Deputy Commissioner, Biswanath, following which Shri Tarun Baruah, Notary, deemed PIO in this matter, on 29.09.2020 furnished certain informations to the appellant. The Notary, Shri Tarun Baruah, gave specific information under points heads No 1,2,3,4 of the RTI application and regarding queries under points 6,7 and 8 he said there is no provision in the Notaries Act, 1952 and Notaries Rules 1956 to keep photocopies of documents signed by the Notary. Records also show that during the hearing on 24.03.2021 the appellant's authorized representative Shri Manoj Kr. Shahni had claimed that there were certain legal provisions under which a Notary is required to preserve Notarised documents and that he has copies of such legal provisions. During the hearing of 24.03.2021 the appellant's authorized representative also requested fixing another date of hearing during which he wanted to furnish the relevant rules under which, he claimed, a Notary is required to keep for record Notarised documents. Accordingly, the Commission had in its order dated 07.04.2021 fixed 27.04.2021 as the next date of hearing, and had directed the appellant/complainant Shri Ajay Ashwhiyana to submit copies of the rules which he claims he has in his possession on or before the next hearing. Records also show that while the next hearing was held on 20.09.2021 (because of prevailing Covid pandemic situation) both appellant Shri Ajay Ashwhiyana and Notary Shri Tarun Baruah were absent. Following this the Commission fixed 29.10.2021 as the next date of hearing. But both parties were absent again without any information. Despite that, the Commission gave one more opportunity and fixed 19.01.2021 as the next date of hearing. The Commission is of the view that the appellant/complainant Shri Ajay Ashwhiyana has been already given enough opportunity to submit copies of rules he claimed he has in his possession, according to which a Notary is supposed to keep for record Notarised documents. Since the appellant/complainant has repeatedly failed to appear in the hearings and he has also failed to furnish copies of rules he claims he had in his possession, the Commission considers that the appellant/complainant is not interested in getting informations but has been only wasting valuable time of the Commission as well as the Public Authority. The Commission is also of the view that the appellant Shri Ajay Ashwhiyana and his authorized representative Shri Manoj Kr. Shahni have been trying to mislead the Commission. The Commission also suspects that the

appellant/complainant Shri Ajay Ashwhiyana is only trying to mislead the Commission by making unsubstantiated claims under which a Notary is required to keep for records the Notarised documents. The Commission warns the appellant/complainant Shri Ajay Ashwhiyana and his authorized representative Shri Manoj Kr. Shahni against making such claims in the future.

5. **A copy of this order be marked to the Deputy Commissioner, Biswanath for information.**
6. In view of the above the Commission dismisses this Complaint/Appeal.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/Biswanath.6/2020

Dated: 19-01-2022

Copy to:

1. Shri Tarun Baruah, Notary, P.O. Biswanath Chariali, Dist. Biswanath, Assam, PIN Code 784176, for information.
2. The Deputy Commissioner, Biswanath, Assam, PIN Code 784176, for information.
3. The petitioner, Shri Ajay Ashwhiyana, Vill. Kumalia Centre, P.O. Panibharal, Distt. Biswanath, PIN Code 784176, Assam, for information.
4. Computer section for uploading in the website
5. Office File
6. Order Book


Secretary & Registrar
Assam Information Commission