

Case No. : SIC/KP(M).304/2021
Complainant/ Appellant : Shri Pradip Kumar Das.
Respondent : The SPIO, O/o the Commissioner and Special Secretary
to the Govt. of Assam, PWRD, Dispur, Guwahati.
Date of Hearing : 02-03-2022
Complaint/ Second
Appeal heard by : Dr. Samudra G. Kashyap.
State Information Commissioner, Assam

O R D E R
02-03-2022

1. The appellant Shri Pradip Kumar Das is present.
2. The SPIO, O/o the Commissioner and Special Secretary to the Govt. of Assam, PWRD, Dispur, Guwahati is absent. But the Commission has received a written statement from the SPIO and Deputy Secretary (Materials) to the Govt. of Assam, PWRD (No. BT.3914/2019/Pt-I/12 dated 09.02.2022).
3. On perusal of the written statement and records it is seen that certain informations sought by the appellant Shri Pradip Kumar Das are supposed to be part of on ongoing investigation. The SPIO, however in his written statement has also referred to the opinion of the Judicial Department on whether the informations sought could be furnished or not. According to the opinion of the Judicial Department, which has been duly quoted in the written statement, the PWRD is "suggested to verify" whether certain works pertaining to which the appellant Shri Pradip Kumar Das had sought information are mentioned in a reply sent by the Superintendent of Police, CM Vigilance Cell (which is investigating into the certain matters related to works in the PWR Department apparently allotted to the appellant Shri Pradip Kumar Das), before taking any decision on disclosing the information.
4. **In view of the opinion of the Judicial Department as quoted in the above-mentioned written statement of the SPIO, the SPIO is directed to proceed accordingly, obtain a clarification from the Superintendent of Police, CM Vigilance Cell, and furnish the informations which are not under investigation and thus not exempt under Section 8 (h) of the RTI Act, 2005. The SPIO shall obtain the clarification and respond to the appellant Shri Pradip Kumar Das within 21 (twenty-one) days from the date of receipt of this order.**
5. With the above order, this 2nd Appeal is hereby disposed of.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/KP(M).304/2021

Dated: 02-03-2022

Copy to:

1. The SPIO, O/o the Commissioner and Special Secretary to the Govt. of Assam, PWRD, Dispur, Guwahati, Pin Code 781006 for information and necessary action.
2. First Appellate Authority/ The Commissioner and Special Secretary to the Govt. of Assam, PWRD, Dispur, Guwahati, Pin Code 781006, for information.
3. The petitioner, Shri Pradip Kumar Das, Fatasil Ambari, Nripen Bora Road, P.O. & P.S. Fatashil Ambari, Guwahati , Assam, PIN Code 781025, for information.
4. Computer section for uploading in the website.
5. Office File.
6. Order Book.



Secretary & Registrar
Assam Information Commission.