

Case No. : SIC/DRN.9/2021
Complainant/ Appellant : Md. Amir Hussain.
Respondent : The SPIO, Office of the Asstt. Executive Engineer,
Sipajhar Electrical Sub-Division, Darrang, Assam.
Date of Hearing : 22-03-2021
Complaint/ Second
Appeal heard by : Shri Samudra G. Kashyap.
State Information Commissioner, Assam

O R D E R
22-03-2021

1. The appellant Md. Amir Hussain is present.
2. Shri Sibbir Ahmed, SPIO and SDE, Sipajhar Electrical Sub-Division APDCL, Darrang is present. The SPIO has submitted a written statement of 3 (three) pages No. APDCL/RTI/SESD/140 dated 22.03.2021.
3. From perusal of records it is seen that the appellant Md. Amir Hussain had submitted an RTI application to the SPIO, O/o the AEE, Sipajhar Electrical Sub-Division APDCL, Darrang, on 10.10.2020, seeking three different informations pertaining to period 2016-17 to 2019-20 related to the Sub-Division. The SPIO furnished the informations to the appellant vide letter No. APDCL/SDE/SESD/RTI/8298 dated 07.11.2020, which was received by the appellant on 18.12.2020. The SPIO has justified the delay in delivery of the information due to the pandemic situation prevailing at that time which is accepted. It is also seen from the records that while some portions of the information sought for had been provided, some portions have not been provided, with the SPIO pointing out that those were third party information which cannot be shared. Moreover, the SPIO also stated that sharing of information about the electricity consumers to a individual without any specific Public Interest can cause some serious threats including misuse of such information for fraudulent activities, money laundering etc. The SPIO's justification is accepted.
4. The appellant Shri Amir Hussain contended that he wanted the information about the consumers under the same sub-division – which according to the SPIO is about 45,000 – in larger Public Interest. He however could not establish that any member of the public, in this case the electricity consumers, had authorised him to access those information on their behalf. In this context it is pertinent to refer to a Delhi High Court order in the matter of Har Kishan vs President Secretariat in WP(C) 7976/2020 dated 12.01.2021, which had said that, **“The Court is of the opinion that whenever information is sought under the RTI Act, disclosure of an interest in the information sought would be necessary to establish the bonafides of the applicant. Non-disclosure of the same could result in injustice to several other affected persons”**.
5. With the above observation, this 2nd Appeal is hereby disposed of.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/DRN.9/2021

Dated: 22-03-2021

Copy to:

1. The SPIO, Office of the Asstt. Executive Engineer, Sipajhar Electrical Sub-Division, Darrang, Assam, for information.
2. First Appellate Authority/ Asstt. Executive Engineer, Sipajhar Electrical Sub-Division, Darrang, Assam, for information.
3. The petitioner, Md. Amir Hussain, S/o- Lt. Asaruddin Ahmed, Vill. & P.O.- Santipukhuri, P.S.- Sipajhar Dist- Darrang, PIN-784144, Assam. for information.
4. Computer section for uploading in the website.
5. Office File.
6. Order Book.

Secretary & Registrar
Assam Information Commission