

Case No. : SIC/KP(M).361/2020
Complainant/ Appellant : Shri Manoj Das.
Respondent : The SPIO, Executive Engineer, Nalbari PHE
Division, Distt. Nalbari, PIN Code. 781335, Assam.
Date of Hearing : 19-03-2021
Complaint/ Second
Appeal heard by : Shri Samudra G. Kashyap.
State Information Commissioner, Assam.

O R D E R
19-03-2021

1. The appellant Shri Manoj Das is present.
2. Shri Avatar Singh, FAA and Executive Engineer, PHE Division, Nalbari, is present.
3. From perusal of records it is seen that the appellant Shri Manoj Das had submitted an RTI application to the SPIO, O/o the Executive Engineer (PHE), Nalbari Division, on 08.09.2020. On not receiving any response he submitted an Appeal before the FAA on 09.10.2020 and subsequently a 2nd Appeal before this Commission on 07.12.2020.
4. During today's hearing, the FAA and Executive Engineer Shri Avatar Singh submitted a written statement No. PHEE/NAL/Estt-62(Pt-VII)/2020-21/8987 dated 18.03.2021, in which it has been stated that though his office had received the said RTI application of Shri Manoj Das, a reply could not be given because the application did not bear the signature of the applicant. It is also stated that while the appellant Shri Manoj Das submitted an Appeal before the FAA on 09.10.2020, a copy of the RTI application enclosed with it did not match with the original RTI application in that the enclosed copy this time apparently had a photocopy signature, while the original RTI application did not have signature of the applicant at all.
5. The FAA cum Executive Engineer (PHE) Nalbari Division, during today's hearing however said that the informations could be readily provided to the appellant if an order was passed accordingly by the Commission.
6. **In view of the above, the SPIO and FAA, O/o the the Executive Engineer, Nalbari PHE Division, is hereby directed to furnish the informations sought for by the appellant Shri Manoj Das within 21 (twenty-one) days from the receipt of this order. If the information is voluminous in nature, the Public Authority shall provide only the first 100 pages free of cost and provide the remaining information by realizing photocopying charges as applicable from the appellant. This is in accordance with provisions of Section 7 (9) of the RTI Act, 2005, which cautions against disproportionate diversion of resources of a Public Authority while furnishing information to RTI applicants. The FAA and SPIO, O/o the Executive Engineer, Nalbari PHE Divisions are also directed to provide an Action Taken Report on this order immediately after expiry of 21 (twenty-one) days.**
7. **The appellant Shri Manoj Das is cautioned to be careful in submitting RTI applications in the future so that such careless mistakes do not deprive him from accessing information and also do not lead to wastage of valuable time and**

resources of the Public Authorities as well as this Commission. He is also directed to inform the Commission immediately on receipt of the information sought for.

8. With the above order, the 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/KP(M).361/2020

Dated: 19-03-2021

Copy to:

1. The SPIO, O/o the Executive Engineer, Nalbari PHE Division, Distt. Nalbari, PIN Code. 781335, Assam, for information and necessary action.
2. The First Appellate Authority/ Executive Engineer, Nalbari PHE Division, Distt. Nalbari, PIN Code. 781335, Assam, for information and necessary action.
3. The petitioner, Shri Manoj Das, Publicity Secretary, Durnity Birodhi Manab Adhikar Suraksha Mancha (DBMASM), Batahghuli, Panjabari, Guwahati-781037 for information and necessary action.
4. Computer section for uploading in the website.
5. Office File.
6. Order Book.

Secretary & Registrar
Assam Information Commission