

**OFFICE OF THE
ASSAM INFORMATION COMMISSION****JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037**Phone : (0361) 2332704, 2337900, 2331193 :: Fax : 2332704 :: email : secretary.sicassam@gmail.com

Case No. : SIC/OS.36/2020
Complainant/ Appellant : Smti Ankita
Respondent : The SPIO, O/o the Commissioner of Taxes,
Finance Deptt., Govt. of Assam, Dispur, Guwahati-
781006.
Date of Hearing : 24-02-2021
**Complaint/ Second
Appeal heard by** : Shri Samudra G. Kashyap.
State Information Commissioner, Assam

O R D E R
24-02-2021

1. The appellant Smti Ankita is absent. But the Commission has received a letter of 5 (five) pages from her dated 22.02.2021, in which she has mentioned that she would not be able to remain present in the hearing scheduled today “due to some unavailable circumstances.”
2. Smti Varshaty Das, Dy. Commissioner of Taxes, Zone B, Guwahati, and SPIO, O/o the Commissioner of Taxes, and Deputy Commissioner of Taxes, Zone B, Guwahati, is present. The Commission had earlier received a letter No. RTI/2nd Appeal/FIN/1/2019/62 dated 01.02.2021, from the Under Secretary to the Government of Assam, Finance (Taxation) Department, Guwahati, stating that the notice of hearing issued by the Commission dated 21.01.2021, was forwarded to the Commissioner of Taxes, Assam, vide letter No. CTS-2/2018/39 dated 09.02.2021.
3. From perusal of records it is seen that the appellant Smti Ankita had submitted an RTI application in the O/o the PIO, Commissioner of Taxes, Finance Department, Govt. of Assam, on 31.01.2020, in which she had sought various informations relating to numerous activities, reports, decisions, office orders etc. of the office of the Commissioner of Taxes, Government of Assam, under 38 (thirty-eight) different points. The SPIO, O/o the Commissioner of Taxes has submitted copy of a letter No. RTI-2/2018/13 dated 10.12.2020, addressed to the appellant Smti Ankita, in which it was mentioned that while informations relating to query Serial No. 1 was furnished as an 11-page Annexure, she was also informed that (i) Information sought was voluminous, (ii) The Department is at the moment busy in implementation of GST and numerous other works allotted by the government, (iii) and that the Department does not have the manpower to provide the voluminous information sought for as the same are not readily available at one place and are spread across the state. The complainant was also informed that the information being voluminous in nature, it would take “very long time as well as resources” to furnish them. The attention of the complainant was also drawn to Section 7 of the RTI Act, 2005, and also to Section 2(j), under provisions of which an RTI applicant can inspect documents, records etc. Accordingly the SPIO had also requested the complainant to visit the Commissionerate of Taxes at her own expense and extract information from the available records in conformity with the RTI Act, 2005 and by paying necessary fees for documentation, if any.

4. The complainant however instead of responding to the SPIO's letter and request of 10.12.2020, and also instead of submitting an Appeal with the FAA, submitted a complaint with this Commission under Section 18(1)(c) of the RTI Act, 2005, on 18.12.2020, which is 8 (eight) days after the SPIO had replied to her RTI application. In her complaint to the Commission, the appellant Smti Ankita said that she had neither received any acknowledgement/intimation in connection with her RTI application, nor had received the information sought for in the application till 18.12.2020. From her complaint it is also seen that the appellant's stress was more on taking action against the PIO rather than showing interest in obtaining the information sought for.
5. The complainant's letter to the Commission dated 22.02.2021, sent in response to the notice of hearing dated 21.01.2021, apart from expressing her inability to attend today's hearing, also pointed out that the SPIO's reply to her RTI petition, issued on 10.12.2020, was found to have been booked for registered post only on 21.01.2021, and alleged that it was a typical case of backdating and gross negligence on the part of certain government departments in handling RTI matters. The SPIO present in today's hearing however said that while office procedures take some amount of time for a letter to be dispatched and sent to the post office, the particular person responsible for dispatch had suffered from COVID-19 during the intervening period.
6. In view of the above, and considering the statement of the SPIO, both written and verbal, the SPIO, Commissioner of Taxes, is directed to invite the appellant Smti Ankita to visit the Commissionerate of Taxes, Govt. of Assam, at her own expense, in order to inspect the available documents under provisions of the RTI Act, and select the required documents/informations, on a day or on a number of days, suitable to the Public Authority, within 21 (twenty-one) days from the receipt of this order. Section 7(9) of the RTI Act, 2005, clearly states that "information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the Public Authority." Since the informations sought by the complainant are voluminous in nature, providing photocopies of the same free of cost is likely to disproportionately divert the resources of the Public Authority. Hence the SPIO, O/o the Commissioner of Taxes, Govt. of Assam, Guwahati, is directed to provide the first 100 pages of documents selected by the complainant Smti Ankita on completion of the inspection of documents free of cost, and provide the remaining documents, if any, by collecting the photocopying charges as are applicable under provisions of the RTI Act.
7. The SPIO is also directed to inform the Commission at the expiry of a period of the 21 (twenty-one) days after receipt of this order about the furnishing of the information sought for, and submit an Action Taken Report at the earliest.
8. With the above order, this complaint is hereby disposed of.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission.

Memo No. SIC/OS.36/2020/52-A

Dated: 24-02-2021

Copy to:

1. The SPIO, O/o the Commissioner of Taxes, Finance Deptt., Govt. of Assam, Dispur, Guwahati-781006, for information and necessary action.
2. The petitioner, Ms. Ankita, Add- C/4, Bhawani Annapurna Enclave, Durga Mandir Road-2, Hirapur, Dhanbad-826001, Jharkhand, for information.
3. Computer section for uploading in the website.
4. Office File.
5. Order Book.

Secretary & Registrar
Assam Information Commission