

**Case No.** : SIC/DMJ.49/2020  
**Complainant/ Appellant** : Sri Jiten Payeng  
**Respondent** : The SPIO, Asstt. Director, Food, Civil Supplies & Consumer Affairs, Dhemaji, Assam, PIN Code-787057.  
**Date of Hearing** : 19-02-2021  
**Complaint/ Second Appeal heard by** : Shri Samudra G. Kashyap.  
State Information Commissioner, Assam

**O R D E R****05-04-2021**

1. The appellant Shri Jiten Payeng is absent, but he has sent a letter dated 19.02.2021, expressing his inability to attend the hearing in view of his wife's health condition. He also stated that he would accept whatever decision the Commission takes on the matter.
2. The SPIO, O/o the Asstt. Director, Food, Civil Supplies & Consumer Affairs, Dhemaji is absent. But the Commission has received a written statement No. DJS.12/2020/130 dated 12.02.2021 from the Asstt Director, Food, Civil Supplies & Consumer Affairs, Dhemaji.
3. From perusal of records it is seen that the appellant Shri Jiten Payeng had submitted an RTI application in the O/o the Asstt. Director, Food, Civil Supplies & Consumer Affairs, Dhemaji on 05.09.2020, seeking various information including Sale Register, Cash Memo, Sub-Allotment copy etc of the Dhemaji Samabai Samiti Ltd. & Jiadhal Samabai Samiti Ltd, some relating to 2018-19 and some to 2020. On 14.10.2020, he submitted an Appeal before the Deputy Commissioner, Dhemaji, stating that he had not received any information against his RTI application and thus prayed for necessary action from the Deputy Commissioner. On 30.11.2020, he submitted a 2<sup>nd</sup> Appeal petition in the Commission seeking action for non-furnishing of information against his RTI application.
4. The Asstt. Director, Food, Civil Supplies & Consumer Affairs, Dhemaji, in his written statement mentioned that the appellant's RTI application dated 05.09.2020, was received in his office only on 01.10.2020, and that the same was transferred to the Secretaries of Dhemaji GPSS Ltd and Jiadhal GPSS Ltd, vide letter No. DJS.12/2020/68 dated 14.10.2020. It was also stated that the appellant Shri Jiten Payeng had submitted five RTI petitions in the O/o the Asstt. Director, Food, Civil Supplies & Consumer Affairs, Dhemaji between 17.03.2020 and 05.09.2020, which according to the Asstt Director, Food, Civil Supplies & Consumer Affairs, Dhemaji, was hampering other official works. The written statement also had copies of a letter each written by the Secretaries of Dhemaji GPSS Ltd. And Jiadhal GPSS Ltd, to the Asstt. Director, Food, Civil Supplies & Consumer Affairs, Dhemaji, on 09.02.2021 and 11.02.2021 respectively.
5. The Secretary of Dhemaji GPSS Ltd. in his letter stated that he was not in a position to provide information as sought for by the appellant Shri Jiten Payeng, but did not cite any reasons for this. He however stated that the Shri Jiten Payeng has been repeatedly filing a number of RTI petitions in his GPSS between 17.07.2018 and 05.09.2020, and that it was reflected in an order of this Commission pertaining to case No. SIC/DMJ.38/2020 passed by Dr. A.P. Rout, State Chief Information Commissioner, in which it was observed that Shri Jiten Payeng was obstructing the normal functioning of Jiadhal GPSS Ltd. by repeatedly

filing RTI petitions, in the light of which the Commission had expressed displeasure on Shri Jiten Payeng for misusing the RTI Act to harass the government servants. The Secretary Dhemaji GPSS Ltd. also pointed out that the order of this Commission dated 20.10.2021, had put on record that Shri Jiten Payeng is a retailer of fair price shop and there have been cases against him in the Dhemaji Police Station and in the Food, Civil Supplies & Consumer Affairs Department, lodged by beneficiaries against his corrupt activities.

6. The Secretary of Dhemaji GPSS Ltd. also alleged that the appellant Shri Jiten Payeng was willfully harassing the office bearers of the Samiti by filing a number of irrelevant RTI petitions, and prayed for rejecting Shri Jiten Payeng's Appeal.
7. The letter written by the Secretary, Jiadhal GPSS Ltd. on the otherhand stated that he was not in a position to furnish informations as sought for by Shri Jiten Payeng because all documents of the Jiadhal GPSS Ltd. pertaining to the period as mentioned in the RTI application have been siezed and taken away by the Bureau of Investigation against Economic Offences (BIEO) and that those were still in the custody of the BIEO.
8. The appellant Shri Jiten Payeng on the other hand in his letter to the Commission dated 19.02.2021 provided a chronology of his efforts to access information from the Dhemaji GPSS Ltd. under provisions of the RTI Act, 2005. According to him – i) The Secretary of Dhemaji GPSS Ltd. wrote to him on 05.02.2021, to deposit the photocopying charges against the information sought. But then several attempts to deposit the amount had failed, either because the Samabai Samiti's office was closed or because officials of the Samabai Samiti had refused to receive the money, ii) Regarding Jiadhal GPSS Ltd, the appellant Shri Jiten Payeng enclosed copy of declaration signed by its Secretary on 27.09.2019 stating that the Jiadhal GPSS Ltd, was not funded by the Govt. of Assam and thus was not a Public Authority under provisions of the RTI Act, 2005, and was hence not liable to provide information to any seeker under the RTI Act, 2005.
9. From the above facts, statements, allegations and counter allegations, one thing that comes to light is that there are some serious irregularities in the functioning of the Samabai Samities namely Dhemaji GPSS Ltd. and Jiadhal GPSS Ltd. While it is not in the purview of the Commission to look into such suspected irregularities, the Commission however does not deem it out of place to request the Deputy Commissioner, Dhemaji, to look into the matter – purely in the interest of the common people – on the basis of the instant RTI petition and the submissions of the SPIO, Secretaries of the two Samabai Samities and the appellant Shri Jiten Payeng.
- 10. As far as the 2<sup>nd</sup> Appeal of the appellant Shri Jiten Payeng is concerned, the Commission, after perusing the contents of the written statement of the Asstt Director, Food, Civil Supplies & Consumer Affairs, Dhemaji, – i) accepts the contention of Jiadhal GPSS Ltd. that its documents are under seizure of the BIEO, and hence directs the Jiadhal GPSS Ltd. to provide the information sought for by the appellant within 14 (fourteen) days of the return of the same by the BIEO, and inform the Commission accordingly ; ii) the Commission rejects the explanation given by the Secretary Dhemaji GPSS Ltd. in his letter dated 09.02.2021, written to the Asstt. Director, Food, Civil Supplies & Consumer Affairs, Dhemaji, praying for rejecting Shri Jiten Payeng's RTI petition, and directs the Secretary Dhemaji GPSS Ltd. to furnish the information sought by the appellant Shri Jiten Payeng within 15 (fifteen) days from the receipt of this order.**

11. The SPIO, Asstt. Director, Food, Civil Supplies & Consumer Affairs, Dhemaji, and the FAA/Deputy Commissioner (Food, Civil Supplies & Consumer Affairs, Dhemaji) are directed to ensure that Shri Jiten Payeng is furnished all the informations by the Dhemaji GPSS Ltd. as directed.
12. All the parties including the appellant are directed to inform the Commission about the furnishing/receipt of the informations at the earliest.
13. With the above order, this 2<sup>nd</sup> 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/DMJ.49/2020**

**Dated: 05-04-2021**

Copy to:

1. The SPIO, Asstt. Director, Food, Civil Supplies & Consumer Affairs, Dhemaji, Assam, PIN Code- 787057 for information and necessary action.
2. The First Appellate Authority/O/o the Deputy Commissioner, Dhemaji Distt.- Dhemaji PIN- 787057, Assam for information and necessary action.
3. The petitioner, Sri Jiten Payeng, Vill - Dighali, P.O. Jamuguri Panchali, P.S. & Dist- Dhemaji, Assam. PIN-787057 for information and necessary action.
4. Computer section for uploading in the website
5. Office File
6. Order Book

Secretary & Registrar  
Assam Information Commission