

**OFFICE OF THE  
ASSAM INFORMATION COMMISSION**

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**Case No. : SIC/KP(M)230/2022**  
**Complainant/ Appellant : Sri Harinarayan Pathak**  
**Respondent : SPIO, O/o the Central Quality Control, Industrial Estate, Bamunimaidam, Guwahati 21**  
**SPIO, O/o the Commissioner of Industries & Commerce, Bamunimaidam, Guwahati 21**  
**Date of Hearing : 07/07/2022**  
**Complaint/ Second : Dr. A.P.Rout,**  
**Appeal heard by State Chief Information Commissioner, Assam**

**O R D E R**  
**07/07/2022**

1. The petitioner Sri Harinarayan Pathak has filed a RTI petition before the SPIO, O/o the Central Quality Control, Assam, Industrial Estate, Bamunimaidam, Guwahati on 21.10.2021 seeking following information:
  - (i) Name in full with official Designation of the Officials O/o the Central Quality Control, Assam to whom were designated as the SPIO and the First Appellate Authority being designated u/s 5(1) and 19(1) respectively of RTI Act, 2005 with validity as on 21.10.2021 in documentary proofs.
  - (ii) Date of establishment of Quality Control Testing Laboratory for issue of "HALL MARKS" in the premise of O/o Central Quality Control, Assam, Industrial Estate, Bamunimaidam, Guwahati in documentary proofs including Administrative Approvals from Govt. of Assam, Industries & Commerce Department, Dispur.
  - (iii) Total financial sanctions issued from the Administrative Department to establish the Laboratory for "Hall Marks" as referred at (2) above, in documentary proofs.
2. The SPIO, O/o Senior Quality Control Officer, Deptt. Of Industries & Commerce, Assam, Bamunimaidam, Guwahati vide his letter dated 21.12.2021 has submitted certain information to the petitioner and for remaining information the application was forwarded to the SPIO, O/o the Commissioner of Industries & Commerce, Udyog Bhawan, Bamunimaidam, Guwahati vide letter dated 21.12.2021.
3. The petitioner then filed 1<sup>st</sup> appeal before the 1<sup>st</sup> Appellate Authority, O/o the Commissioner of Industries & Commerce, Assam, Udyog Bhawan, Bamunimaidam, Guwahati 21 on 14.2022.
4. The SPIO, O/o the Commissioner of Industries & Commerce, Bamunimaidam, Guwahati issued a notice to the petitioner on 5.4.2022 to attend the hearing on their office on 12.4.2022 at 11.00 AM.

To this, the petitioner submitted a letter before the SPIO, O/o the Commissioner of Industries & Commerce, Bamunimaidam, Guwahati on 18.4.2022 to refix another date.
5. Accordingly, a new date was fixed by the SPIO, O/o the Commissioner of Industries & Commerce, Assam, Udyog Bhawan, Bamunimaidam, Guwahati on 27.5.2022 at 11:10 AM in the chamber of the Commissioner of Industries & Commerce, Udyog Bhawan, Bamunimaidam, Guwahati, but the petitioner did not attend the hearing.
6. The petitioner then filed 2<sup>nd</sup> appeal before the Commission on 18.5.2022 and accordingly, the matter was taken up for hearing.
7. The petitioner Sri Harinarayan Pathak is present.

8. The Public Authority is represented by Sri Santibrata Sinha Choudhury, PIO, Central Quality Control Officer, Bamunimaidam accompanied by Sri Tapan Deka, SPIO & Joint Director, Industries & Commerce and Smti Archana Chetri, ASPIO, Deputy Director, Industries & Commerce.

9. The SPIO & Joint Director, O/o the Commissioner of Industries & Commerce, Udyog Bhawan, Bamunimaidam, Guwahati has submitted a written statement dated 5.7.2022 in details of above as mentioned.

10. The Commission accepts the written statement. The petitioner was asked why he did not attend the hearing which was fixed on 27.5.2022 on basis of his petition.

The petitioner replied that he already filed 2<sup>nd</sup> appeal petition because of which he has not attended the hearing at 1<sup>st</sup> Appellate Authority level.

11. The Commission feels that there is no such rule that the petitioner will not appear at the hearing of 1<sup>st</sup> Appellate Authority when he has filed 2<sup>nd</sup> appeal petition. In fact, had he attended before the 1<sup>st</sup> Appellate Authority and got the information, probably he would have intimated the Commission not to take up this case for hearing and would have saved the time and would not have wasted the time of the three senior officers namely Sri Santibrata Sinha Choudhury, PIO, Central Quality Control Officer, Bamunimaidam, Sri Tapan Deka, SPIO & Joint Director, Industries & Commerce and Smti Archana Chetri, ASPIO, Deputy Director, Industries & Commerce.

12. The Commission therefore opines that the petitioner has filed this case in contravention of Delhi High Court Order on **Har Kishan vs President Secretariat Through ... on 12 January, 2021 which quotes** This 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, *unquote*.

The petitioner should have taken sufficient interest in getting the information at 1<sup>st</sup> Appellate level without unnecessarily wasting the time of the whole system in the process.

13. As regards to the information, **the Commission orders that a date may be fixed by the 1<sup>st</sup> Appellate Authority and the petitioner to remain present and collect the information accordingly.**

14. The case is disposed off.

Authenticated copies to be given to all concerned.

Sd/-  
(Dr. A.P. Rout)

Authenticated true copy.

Sd/-  
Registrar  
Assam Information Commission

Copy to:

1. The 1<sup>st</sup> Appellate Authority, O/o the Commissioner of Industries & Commerce, Assam, Udyog Bhawan, Bamunimaidam, Guwahati 21 for information and necessary action as ordered above.
2. The SPIO, O/o the Commissioner of Industries & Commerce, Bamunimaidam, Guwahati 21 Assam for information.
3. The SPIO, O/o the Central Quality Control, Industrial Estate, Bamunimaidam, Guwahati 21 Assam for information.
4. The petitioner Sri Harinarayan Pathak, Padumpukhuri, Uzanbazar, Guwahati 01 Assam for information.
5. Computer Section for uploading in the Website.
6. Office File.
7. Order Book.

Registrar  
Assam Information Commission