

**Case No.** : SIC/KP(M).338/2021  
**Complainant/ Appellant** : Shri Harinarayan Pathak.  
**Respondent** : The SPIO, O/o the Commissioner of Industries & Commerce, Bamunimaidam, Guwahati.  
**Date of Hearing** : 05-04-2022  
**Complaint/ Second Appeal heard by** : Dr. Samudra G. Kashyap.  
State Information Commissioner, Assam.

**O R D E R**  
**05-04-2022**

1. The appellant Shri Harinarayan Pathak is present.
2. Shri Tapan Deka, SPIO, Industries & Commerce and Joint Director, O/o the Commissioner of Industries and Commerce, Udyog Bhawan, Guwahati is present. He has also submitted a written statement dated 04.04.2022 which has been put on record.
3. From records it is seen that the appellant Shri Harinarayan Pathak had submitted an RTI application to the SPIO, O/o the Commissioner of Industries & Commerce, Bamunimaidam, Guwahati, on 02.02.2021 seeking inspection of file No. DI(V).72/97 including the file notings in it. On 25.06.2021 he submitted a 1<sup>st</sup> appeal which was heard on 26.07.2021, during which the petitioner was directed to submit a subject of the concerned file in writing in order to track the same. The FAA had also directed that the concerned branch will then track the file within 10 (ten) days and informed the SPIO, following which the SPIO will invite the applicant for inspection of the file.
4. In today's hearing the SPIO has stated that the appellant Shri Harinarayan Pathak had not submitted in writing the subject of the file as was directed in the order of the FAA on hearing dated 26.07.2021 the appellant Shri Harinarayan Pathak also admitted that he had not submitted in writing the subject matter of the file as was directed by the FAA.
5. In the written statement the SPIO has mentioned that the appellant Shri Harinarayan Pathak had vide another RTI application dated 30.01.2021 requested for copy of the public document related to file No. DI(V).72/97. In relation to that RTI application which is more than 22 (twenty-two) years old and was opened in 1997-98. In relation to that RTI application dated 30.01.2021. The information related to file No. DI(V).72/97 could not be provided to the applicant. The written statement also referred to an order of the Commission dated 06.09.2021 passed by the Chief State Information Commissioner, Dr. A.P. Rout, in which it was put on record that the file No. DIV(V)72/97 could not be traced out despite of the best efforts, on the basis of which the 2<sup>nd</sup> Appeal of the said appellant Shri Harinarayan Pathak was disposed of.
6. **In view of the fact that the appellant Shri Harinarayan Pathak has failed to submit in writing the subject of the file as was directed by the FAA. He (the appellant) is once again directed to submit in writing the subject matter of the file No. DI(V).72/97 so that it can be tracked down. Since the appellant Shri Harinarayan Pathak in his RTI application dated 02.02.2021 had requested for inspection of file No. DI(V)72/97. As such, the SPIO, O/o the Commissioner of Industries & Commerce, Bamunimaidam, Guwahati, is directed to fix a date suitable to both parties within 7 (seven) days from the receipt of this order and invite the appellant Shri Harinarayan Pathak for**

inspection. During inspection the appellant Shri Harinarayan Pathak shall select the specific pages that he wants and submit a list of the selected pages to the SPIO, following which the SPIO will provide the appellant the photocopies of the same free of cost, within 1 (one) week from that day.

7. With the above order, this 2<sup>nd</sup> appeal is hereby disposed of.

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

Authenticated true copy.

Sd/-  
Secretary & Registrar  
Assam Information Commission

**Memo No. SIC/KP(M).338/2021**

**Dated: 05-04-2022**

Copy to:

1. The SPIO, O/o the Commissioner of Industries & Commerce, Bamunimaidam, Guwahati, PIN code 781021 for information and necessary action.
2. First Appellate Authority/ O/o the Commissioner of Industries & Commerce, Bamunimaidam, Guwahati, PIN code 781021 for information.
3. The petitioner, Shri Harinarayan Pathak, Padumpukhuri, Uzanbazar, Guwahati PIN 781001, Assam, for information and necessary action.
4. Computer section for uploading in the website.
5. Office File.
6. Order Book.

Secretary & Registrar  
Assam Information Commission.