

Case No. : SIC/KPM 410/2022
Complainant/ Appellant : Sri Joydeb Das
Respondent : SPIO, O/o the Chief Engineer, Public Health
Engineering Department, Water, Hengrabari,
Guwahati 35
Date of Order : 30/09/2022
Complaint/ Second : Dr. A.P.Rout,
Appeal heard by State Chief Information Commissioner, Assam

O R D E R
30/09/2022

1. The petitioner Sri Joydeb Das has filed one RTI petition before the PIO, O/o the Chief Engineer, Public Health Engineer Department, Assam, Hengrabari, Guwahati 36 on 13.5.2022 seeking following information:
 - (1) Please furnish whether Chief Engineer, PHE(W) has drawn the fund of Rs.36.02 crore for Mobilization Advance allowed to contractor through Abstract Contingent (AC) Bill under State Water and Sanitation Mission Programme during the period 2015-16, if yes, please furnish following details:
 - (a) Please furnish under which procedure following prior advance payment was given to contractor along with name of the contractor to whom advance payment (amount) was given with copy of all the file noting of the concerned officer/officials with copy of approval.
 - (b) Please furnish copy of detailed countersigned contingent (DCC) bill with detail expenditure statement, if submitted by the Director (SPMU), Neer Nirmal Pariyojana to the Chief Engineer, PHE(W), Assam if not submitted please reason thereof.
 - (c) If any letter was issued by the Chief Engineer, PHE(W), Assam to Director (SPMU), Neer Nirmal Pariyogana for furnish the records to settlement of the stated A.C. bill of Rs.36.02 Crore., if yes, please furnish copy of the same.
 - (d) Please furnish in details of the adjustment statement of such fund along with all the relevant documents with copy of AC Bill.
2. The SPIO, O/o the Chief Engineer (PHE) Water, Hengrabari furnished the replies relating to the RTI petition to the petitioner on 4.6.2022.
3. Not being satisfied with the information received, the petitioner filed 1st appeal before the First Appellate Authority, Chief Engineer, PHE(W), Hengrabari, Guwahati on 21.6.2022 and then he filed 2nd appeal before the Commission on 17.8.2022.

Accordingly, the matter was taken up for hearing.

4. The petitioner Sri Joydeb Das is present.
5. The Public Authority is represented by Sri Tapan Sharma, SPIO, O/o the Chief Engineer (PHE), Hengrabari, Guwahati.
6. The petitioner said that copy of the Government approval vide 1(a) of the RTI petition is not given. The Commission directs the SPIO to take necessary action in this regard for furnishing the information.

Copy of the tender agreement and direct agreement on mobilisation advance is also not given as pointed out by the petitioner.

In reply to this, the SPIO stated that this documents are voluminous, however after discussing with both the SPIO and the petitioner, the Commission directs only those one or two concerned pages of the agreement of specificity of Mobilization Advance is to be given.

7. As regards to 1(b) of the RTI petition, the Commission directs the copies of the expenditure statement to be given to the petitioner.
8. As regards to 1(c) of the RTI petition, though the SPIO has replied that the records of the concerned letters are not found, the petitioner stated that he has some references in this regard to which the Commission advises the petitioner to furnish the copies to the SPIO, so that the copies of the letters can be traced from the file and furnished to the petitioner.
9. As regards to 1(d) of the RTI petition on the record availability of relevant documents at the O/o the EE(PHE), Guwahati Division No.1 and Jorhat Division. The petitioner said that as per the Act, the information could have been collected and given to him or the petition could have forwarded to them making them Deemed PIO to furnish the information directly.

In this connection, the Commission in quoting Rakesh Kumar Gupta Vs Central Information Commission (Delhi High Court) order quote PIO/CPIO cannot function merely as "post offices" but instead are responsible to ensure that the information sought under the RTI Act is provided; unquote directs the SPIO to collect the information from the Executive Engineer (PHE) Guwahati Division No.1 and furnish the information to the petitioner.

As regards to Jorhat Division, the SPIO is directed to immediately transfer the petition with direction to information directly within one month positively.

10. The above direction of the Commission be compiled with within 15 days and the case is conditionally disposed off.

Authenticated copies to be given to all concerned.

Authenticated true copy.

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

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/KPM 410/2022

Dtd. 30.9.2022

Copy to:

1. The SPIO, O/o the Chief Engineer, Public Health Engineering Department, Water, Hengrabari, Guwahati for information and necessary action as ordered above.
2. The petitioner Sri Joydeb Das, S/O Lt. Karunamoy Das, H.No.16, Kushal Konwar Road, Near Mayur Krishna Cinema Hall, Ambari Fatashil, Guwahati 25 for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Registrar
Assam Information Commission