

Case No. : SIC/KPM 68/2022
Complainant/ Appellant : Shri Joydeb Das
Respondent : SPIO, O/o the Commissioner of Transport,
Paribahan Bhawan, Khanapara, Guwahati 22
The SPIO, O/o the Deputy Commissioner,
Kamrup(M), Guwahati
The SPIO, O/o the Deputy Commissioner,
Dibrugarh, Assam
The SPIO, O/o the Deputy Commissioner,
Lakhimpur, Assam
Date of Hearing : 13/09/2022
Complaint/ Second : Dr. A.P.Rout,
Appeal heard by : State Chief Information Commissioner, Assam
O R D E R
21/09/2022

1. In continuation of earlier order dated 2.8.2022, the matter was taken up for hearing.
2. The petitioner Shri Joydeb Das is present.
3. The Public Authority is represented by Sri Jitu Kumar Das, ADC/SPIO, Dibrugarh and he is accompanied by Sri Pradip Senapati, SPIO, O/o the Commissioner of Transport, Assam.
4. The SPIO, O/o the Deputy Commissioner, Dibrugarh has submitted a written statement dated 7.9.2022 wherein it is mentioned that the Additional Deputy Commissioner (LA), Dibrugarh has submitted a reply to the petitioner vide letter dated 26.8.2022 furnishing the utilization certificate. However, the details of payment as compensation to individual parties with acknowledgement is not submitted.

Similarly, reply of the progress of work on acquired land is available with the Airport Director, AAI, Mohanbari, Dibrugarh is unsatisfactory.

5. In light of it, the Commission directs the SPIO, O/o the Deputy Commissioner, Dibrugarh, Assam to furnish the details of expenditure both on land compensation as well as development of Airport along with copy of receipt and voucher.
6. In quoting the order of Delhi High Court (Rakesh Kumar Gupta Vs. Central Information Commission) WP(C) 900/2021 which said that PIOs cannot "function merely as post offices", but have to provide the information sought from them. The Commission held that the SPIO, O/o the Commissioner of Transport, Assam cannot shirk his responsibility and waste the time of the Commission and he will personally ensure that the information is submitted within 30th September positively.

The SPIO will also to personally see that the information is handed over to the petitioner with copy to the Registrar, Assam Information Commission, Panjabari, Guwahati.

7. The SPIO, O/o the Deputy Commissioner, Kamrup (M), Guwahati has submitted a written statement dated 12.9.2022 wherein it is mentioned that information in respect of point no. c and d of the RTI application is under process. Hence, the SPIO requested before the Commission to allow him thirty days' time for submission of the information.
8. From the date of transfer of RTI petition i.e., 17.3.2022, the SPIO has already hugely exceeded thirty days limit i.e., (181 days) against mandated thirty days' time limit to furnish the information so seeking thirty days more time is not at all justifiable and in total contravention of the provision of the RTI Act, 2005.

9. In light of the above, the Commission directs the SPIO, O/o the Deputy Commissioner, Kamrup (M) to furnish the information within 30th September positively.
10. The Deputy Commissioner, Lakhimpur, Assam authorized one Junior Assistant Sri Partha Pratim Hazarika, Land Acquisition Branch to attend the hearing which is against the norms and official decorum as well as the adjudication process of the Commission.

Further, the reply given by the Office of the Deputy Commissioner, Lakhimpur is not found to be satisfactory.

Hence, the Commission directs the SPIO, O/o the Deputy Commissioner, Lakhimpur, Assam to provide details of compensation with names of Pattadar with receipt, voucher and utilization certificate to the petitioner within 30th September positively with copy to this Registry.

Fix another date in the month of October, 2022.

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

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/KP(M).68/2022

Dtd. 21.09.2022

Copy to:

1. The SPIO, O/o the Commissioner of Transport, Paribahan Bhawan, Jawahar Nagar, Khanapara, Guwahati 22 for information and necessary action as ordered above.
2. The SPIO, Office of the Deputy Commissioner, Kamrup (M), Guwahati, Assam for information and necessary action as ordered above. **The SPIO is directed to furnish information to the petitioner through Special Messenger/Whatsapp/Fax/Email before 30th September, 2022 positively.**
3. The SPIO, Officer of the Deputy Commissioner, Dibrugarh, Assam for information and necessary action as ordered above. **The SPIO is directed to furnish information to the petitioner through Special Messenger/Whatsapp/Fax/Email before 30th September, 2022 positively.**
4. The SPIO, Officer of the Deputy Commissioner, Lakhimpur, Assam for information and necessary action as ordered above. **The SPIO is directed to furnish information to the petitioner through Special Messenger/Whatsapp/Fax/Email before 30th September, 2022 positively.**
5. The petitioner Sri Joydeb Das, S/o Late Karunamoy Das, House No.16, Ambari Fatashil, Kushal Konwar Road, Near Mayur Krishna Cinema Hall, Guwahati 25 Assam for information.
6. Computer Section for uploading in the Website.
7. Office File.
8. Order Book.

Registrar
Assam Information Commission