

Case No.	: SIC/BJLI.1/2021
Complainant/ Appellant	: Shri Jitu Roy
Respondent	: The SPIO, O/o the Assam State Electricity Board, Bijulee Bhawan, Paltan Bazar, Paltan Bazar, Guwahati Assam.
Date of Hearing	: 23-05-2022
Complaint/ Second Appeal heard by	: Dr. Samudra Gupta Kashyap, State Information Commissioner, Assam

O R D E R
05-07-2022

1. The appellant Jitu Roy is present.
2. Shri Madhurjya Lahkar, SPIO and GM (HR) and Smti Dibyalakhmi Bora, AM (HR), O/o the Managing Director, APDCL, Guwahati, are present. They have not submitted any written statement.
3. During today's hearing the SPIO Shri Lahkar and Smti Bora of APDCL, verbally explained before the Commission the pointwise informations/ reply already provided to the appellant Shri Roy vide No. ND/APDCL/HR/RTI/2021/3/62 dated 19.04.2021 against the appellant's RTI application of 09.03.2021. The grievances of the appellant Shri Roy in his 2nd Appeal was that he had not been furnished with informations related to queries No. 4 and 5 of his RTI application which referred to a certain selection committee meeting of APDCL held on 27.11.2020. Smti Bora of APDCL specifically informed the appellant Shri Roy that there was no such selection committee meeting on 27.11.2020 as stated in the RTI application. The appellant Shri Roy accepted the explanation given by the Public Authority on his queries as also the information/reply given to him on 19.04.2020.
4. Records show that the Commission had, upon receipt of a 2nd Appeal petition from the appellant Shri Roy dated 27.07.2021 fixed 18.02.2022 for hearing of the appeal. Accordingly, notices were sent out to the SPIO, APDCL, Bijulee Bhawan, Guwahati, and also to the appellant Shri Roy. On the day of hearing i.e 18.02.2022 while the appellant Shri Roy was present, the SPIO, APDCL remained absent without any intimation. This has been already recorded in the Commission's order dated 02.05.2022 re-fixing the date of hearing for 23.05.2022. During today's hearing, the appellant Shri Roy submitted a travel bill showing his expenditure incurred to travel all the way from Pathsala, Bajali district, a distance of little over 100 kilometres, to attend the hearing on 18.02.2022. He also stated that had he known beforehand that the SPIO, APDCL, would remain absent, then he would have not taken the trouble of travelling all the way from Pathsala to Guwahati to attend the hearing on 02.05.2022 by spending valuable time and money. When pointed out, the SPIO, O/o the MD, APDCL, Shri Lahkar verbally stated that his office had not received any notice of hearing from the Commission fixing 18.02.2022 as the date of

hearing on the 2nd Appeal. On investigation, however, it was seen that the notice of hearing of the Commission was duly received in the O/o the SPIO, ASEB, Bijulee Bhawan, Guwahati on 04.02.2022, with an illegible signature. A photocopy of the peon book of the Commission of the particular page has been put on record and the copy of the same also provided to the SPIO, APDCL, during today's hearing.

5. **Meanwhile the appellant Shri Jitu Roy has submitted a prayer for reimbursement of travel expenditure which he had to incur unnecessarily because of the absence of the SPIO, O/o the Managing Director, APDCL, Guwahati, during the hearing dated 18.02.2022. Section 19(8)(b) of the RTI Act does provide for the public authority to compensate the appellant/complainant for any loss or other detriment suffered. The Commission considers the monetary loss suffered by the appellant Shri Jitu Roy to be genuine and bonafide, and that the Public Authority, in this case the SPIO, O/o the Managing Director, APDCL, Guwahati, is liable to compensate for the same. Though the appellant has submitted a bill amount of Rs. 4300/- only as expenditure he had to incur for no fault of his, but for the fault of the SPIO, the Commission directs the SPIO, O/o the Managing Director, APDCL, Guwhati, to pay an amount of Rs. 1000/- (rupees one thousand) only to the appellant Shri Roy as compensation within 10 (ten) days of receipt of this order, and report compliance.**
6. The Commission has also noted that the appellant Shri Roy in his 2nd Appeal to the Commission dated 27.07.2021 claimed that while he had sent a 1st Appeal petition to the FAA of APDCL on 03.05.2021, the same was returned to him by the Department of Post with a note "refused" dated 06.04.2021. As the appellant Shri Roy had submitted a photocopy of the envelope cover (both sides showing the date of his posting of the said letter and the inscription showing "refused") dated 06.04.2021, a copy of the same was provided to the SPIO, APDCL for necessary action to find out under what circumstances the consignment containing the 1st Appeal clearly mentioning the name of the addressee was refused as is evident from the photocopy of the envelope cover submitted by Shri Roy.
7. With the above order, this 2nd Appeal is hereby disposed of.

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

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/BJLI.1/2021

Dated: 05-07-2022

Copy to:

1. The SPIO, O/o the Assam State Electricity Board, Bijulee Bhawan, Paltan Bazar, Paltan Bazar, Guwahati Assam, Pin Code 781001 for information and necessary action.
2. The SPIO, O/o the Managing Director, APDCL, Guwahati Assam, Pin Code 781001 for information and necessary action.
3. The First Appellate Authority/APDCL, Bijulee Bhawan, Paltan Bazar, Paltan Bazar, Guwahati Assam, Pin Code 781001 for information.
4. The petitioner Shri Jitu Roy, C/o. Lt. Madan Ch. Roy, Town. Pathsala, W/No.3 P.O. Pathsala, P.S. Patacharkuchi, Dist.- Bajali, Assam, PIN Code 781325 for information.
5. Computer Section for uploading in the Website.
6. Office File.
7. Order Book.

Registrar
Assam Information Commission