

**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

Phone : (0361) 2332704, 2337900, 2331193 :: Fax : 2332704 :: email : secretary.sicassam@gmail.com

Case No. : SIC/DMJ.4/2022
Complainant/ Appellant : Shri Sanjib Tamuly.
Respondent : The SPIO, O/o the Food Civil Supplies & Consumer Affairs Department, Jorhat.
Date of Hearing : 18-05-2022
Complaint/ Second Appeal heard by : Dr. Samudra G. Kashyap.
State Information Commissioner, Assam

O R D E R
18-05-2022

1. The appellant Shri Sanjib Tamuly is absent without any intimation.
2. Md. Takhrul Islam SPIO and Superintendent, Food Civil Supplies & Consumer Affairs Department, Jorhat, is present. Shri Islam has also submitted a written statement dated 12.05.2022 comprising 9 (nine) pages. The hearing is held despite the absence of the appellant, in the interest of speedy disposal of the case and facilitating early availability of information to the appellant.
3. From records it is seen that the appellant Shri Sanjib Tamuly had on 29.09.2021 submitted one RTI application to the SPIO, O/o of the Food Civil Supplies & Consumer Affairs Department, Jorhat, seeking certain informations related to Kerosene Oil agents of the district under the said Department. In the written statement the SPIO and Superintendent, FCS & CA, Jorhat, who also holds charge as Joint Director of the Department in Jorhat, has stated that his office had not received any RTI application of Shri Sanjib Tamuly dated 29.09.2021. It was also stated that the SPIO came to know about the said RTI application only from the 1st Appeal the appellant Shri Tamuly had submitted on 20.11.2021. On 10.01.2022 the appellant Shri Tamuly submitted a 2nd appeal in this Commission.
4. In the written statement the SPIO has said that though the appellant had submitted his 1st Appeal on 20.11.2021, informations could not be furnished to him within the stipulated period because all employees of the office were engaged in the conduct of the Municipal elections in the district. On completion of the Municipal elections, the SPIO requested the appellant on 21.02.2022 to visit the office and inspect the documents on 25.02.2022. While the appellant did not turn up on 25.02.2022, the SPIO on 16.03.2022 vide letter No. JS/7/2006/Pt-VI sent photocopies of the sought for informations to the appellant Shri Tamuly's Dhemaji address, but the appellant refused to receive the informations apparently on grounds that the information were not certified by the concerned authority. On 09.05.2022 the said documents were once again sent to the appellant Shri Tamuly with a Jarikarak personally carrying them after all those documents were duly certified. But the appellant Shri Tamuly once again refused to receive them and the Jarikarak had to return without delivering the voluminous information. While the appellant is absent without any information in today's hearing, in his 2nd Appeal dated 10.01.2022 he had claimed

that the SPIO had not furnished him any informations till date. The documents submitted by the SPIO with the written statement however amply prove that the SPIO, O/o the FCS & CA Department, Jorhat, had made all possible efforts to provide him the information. A Jarikarak had physically carried the voluminous information to Dhemaji twice, the SPIO has stated in writing. The SPIO, in his written statement has also complained that the appellant Shri Tamuly had returned the voluminous informations sent to him on two occasions, in the process causing an expenditure of about Rs. 5000 (Five thousand) to the public exchequer.

5. **Since the information sought by the appellant Shri Tamuly is voluminous in nature and comprises of 2 (two) sacks as stated by the SPIO, and since the appellant had twice refused to receive the same despite being physically carried by a Jarikarak from Jorhat to Dhemaji, as such the Commission is left with no option but to direct the SPIO, FCS & CA, Jorhat, to invite the appellant Shri Tamuly to inspect the documents in Jorhat on a date fixed by the SPIO. Since the appellant had refused to receive the voluminous documents on 2 (two) occasions despite a Jarikarak of the SPIO's office physically taking them from Jorhat to Dhemaji, hence the appellant shall travel to Jorhat at his own expense to inspect the documents. On inspection of documents, the appellant shall select the documents which he wants and provide the list to the SPIO within the same day. On submission of the list, the SPIO shall furnish copies of the selected pages on the same day. If the number of pages are more than 100, then the SPIO shall provide the first 25 (twenty-five) pages free of cost, and the remaining pages by realizing the photocopying charges as applicable. No further correspondence will be entertained on this matter.**
6. **The Commission also warns the appellant Shri Sanjib Tamuly, in absentia, not to refuse accepting information provided by SPIO/Public Authorities against any RTI application in the future.**
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/DMJ.4/2022

Dated: 18-05-2022

Copy to:

1. The SPIO, O/o the Food Civil Supplies & Consumer Affairs Department, Jorhat, for information and necessary action.
2. First Appellate Authority/ O/o the Food Civil Supplies & Consumer Affairs Department, Jorhat, for information.
3. The petitioner, Shri Sanjib Tamuly, S/o Jogeswar Tamuly, Tanganapara Ahom Gaon P.O. Jamuguri Pasali, P.S. & Distt. Dhemaji, Assam, for information and necessary action.
4. Computer section for uploading in the website.
5. Office File.
6. Order Book.

Registrar
Assam Information Commission.