



TRIPURA INFORMATION COMMISSION

P. N. Complex: Gorkhabasti
Agartala – 799 006

Complaint No. TIC – 01 of 2010-11

Sri Jiban kumar Dasgupta
S/O Late Mono Ranjan Dasgupta
C/O Divisional Manager, TFDPC Limited, North at
Kumarghat, North Tripura
Pin – 799 264
Cell Phone No-9436137044.....Complainant

Vs.

1.Sri P.K. Das, Executive Director, TFDPC Limited, Abhoynagar, Agartala (State
Public Information Officer).....Opposite Party

ORDER **Dated, 20.05.2010**

The complainant Sri Jiban Kumar Dasgupta is present.

2. The Opposite Party (OP) Sri P.K. Das, Executive Director, TFDPC Limited (TFDPCL), Agartala and the State Public Information Officer (SPIO) also appeared. His written representation dated 26.04.2010 received by this Commission on the same date was put up on 28.04.2010 on call and were attached to records. A copy of the said written representation of the OP along with its enclosures were sent to the complainant with the direction to submit written rejoinder on this on or before 20.05.2010, if he so felt. The written rejoinder dated 14.05.2010 of the complainant on the written representation dated 26.04.2010 of the OP sent by speed post has been received by this Commission on 17.05.2010 and attached to records.

3. This complaint arose out of the written complaint dated 25.03.2010 of Sri Jiban Kumar Dasgupta (here in after referred to as the complainant) sent by speed post and was received by this Commission on 29.03.2010. It was alleged by



the complainant that Sri P.K. Das, Executive Director, TFDPC, Agartala and the SPIO did not furnish the complete information to the former in compliance with the directions of this Commission given in its judgment and order dated 22.12.2009 passed in Complaint No. TIC-17 of 2009-10. The complainant has, therefore, approached this Commission with this complaint seeking direction to have access to those information which have not been supplied by the concerned SPIO. Along with the written complaint, the complainant has furnished photocopies of the relevant documents.

4. After careful examination of the contents of the directions of this Commission's judgment and order dated 22.12.2009 passed in Complaint No. TIC-17 of 2009-10, the information furnished by the SPIO vide his letter No. F. 2-154/Estt/RTI/TFDPC-2008/7672-73 dated 15.01.2010, the written complaint dated 25.03.2010 of the complainant, the written representation dated 26.04.2010 of the OP and the written rejoinder dated 14.05.2010 of the complainant, the following directives are issued:-

- (a) Under item- (I)(a), the SPIO shall furnish a clarification in writing to the complainant within 10 days of this order regarding the existence or non-existence of exhibits D-7 and D-8. Since, the issue related to the disclosure of the enclosures of exhibits D-2, D-4 and D-5 had already been dealt with and decided by this Commission at para-8 of its judgment and order dated 19.04.2008 passed in Complaint No-41 of 2007-08 with the direction that the SPIO was under no obligation for disclosure of the enclosures of exhibits D-2, D-4 and D-5 as these were not traceable, the same should not have reopened and, therefore, stands closed.
- (b) Regarding item - I(b), the SPIO has submitted both in writing and orally that despite a vigorous search in the office of the MD, TFDPC, the calculation sheet (s) could not be located and, therefore, the same could not be furnished to the complainant. This submission of the SPIO is accepted with the direction that the complainant deserves no information under this item due to non-availability.
- (c) Under item - XI, the complainant has expressed his satisfaction about the information furnished in respect of

↓



Sadar Division and the office of the GM (TFDPCL), Industrial Estate, but alleged that the information supplied by the SPIO in respect of North, South -I and South-II Divisions were incomplete. The OP being the SPIO is, therefore, directed that he should collect the information from North, South-I and South-II Divisions in the format used by Sadar Division and furnish the same to the complainant within a period of 30 days of this order.

- (d) Under item- XII, the complainant wanted to know whether or not the forest land was transferred to the TFDPCCL. The SPIO has submitted that despite a vigorous search undertaken by him with the assistance of the In-charge of the Land Section, the required information could not be located and, therefore, he was not in a position to inform the complainant whether the forest land was transferred to the TFDPCCL or not. The SPIO shall now send this specific clarification along with a copy of the written statement of the In-charge of the Land Section to the complainant within 15 days of this order.
- (e) Under item- XIII, the SPIO was directed to furnish specifically about the status of the information including the reasons for their non-availability. The SPIO vide his letter dated 15.01.2010 had intimated the complainant that irrespective of his utmost endeavour, he could not find out the copy of such order and, therefore, he was unable to supply the same. While the SPIO had stated the status of the information, he did not furnish the reasons for their non-availability. In his written representation dated 26.04.2010 submitted to this Commission, the SPIO has stated that even if such orders existed during the material period, the same might have been lost due to frequent shifting of the office from one place to another and, therefore, such records are not available now in the related file. This submission of the SPIO is treated as the reasons for their non-availability, which shall be furnished to the complainant by the SPIO within 10 days of this order.
- (f) It appears that under item- XIV, the SPIO has complied with the direction of the Commission and furnished the required information to the complainant excluding the list of documents lost. It is submitted by the SPIO that during search and inquiry, it revealed that no list of documents burnt/lost was prepared and, therefore, the



same was not available for disclosure. This submission of the SPIO is accepted and the complainant deserves no further information under this item.

5. With the above observations and orders, the complaint stands disposed of.

6. Let copy of this order be sent to the complainant and the OP. Also send a copy of this order to the Managing Director, TFDPC Limited being the head of the Public Authority.

Sd/-
(B.K.Chakraborty)
State Chief Information Commissioner

No. 421-23

Dated, 20.05.2010

Copy to:-

1. Sri Jiban kumar Dasgupta, S/O Late Mono Ranjan Dasgupta, C/O Divisional Manager, TFDPC Limited, North at Kumarghat, North Tripura, Pin - 799 264 (Complainant).
2. Sri P.K. Das, Executive Director, TFDPC Limited, Abhoynagar, Agartala (State Public Information Officer) - OP.
3. The Managing Director, TFDPC Limited, Abhoynagar, Agartala (Head of the Public Authority).


(S.C.Saha)
Secretary

Tripura Information Commission