



TRIPURA INFORMATION COMMISSION
P.N.Complex, Gokhlabasti : Agartala

Complaint No- 37 OF 2007-08

Sri Nimai Majumder
Vill- Jirania: P.O.- Birendranagar
West Tripura
Phone No.234 6816.....Complainant

Vs.

1. Sri Rabi Debbarma, Inspector of Schools, Jirania, West Tripura (SPIO).
 2. The Commissioner of Taxes, Government of Tripura, Agartala.
 3. Sri P. Banerjee, Assistant Commissioner of Taxes, Government of Tripura, Agartala (SPIO).
-Opposite Parties
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JUDGMENT & ORDER

Dated 22.01.2008

The complainant Sri Nimai Majumder appeared.

2. OP 1 Sri Rabi Debbarma, Inspector of Schools, Jirania (SPIO) appeared and submitted a written representation, which is attached to records. Copy of the same is furnished to the complainant, OPs 2 and 3.

3. OP 2 Sri D.R. Datta, Commissioner of Taxes, Government of Tripura (head of the Public Authority) and the OP 3 Sri P. Banerjee, Assistant Commissioner of Taxes, Government of Tripura (SPIO) appeared. The written representation of the OP 3 dated 17.01.2008 received by this Commission on the same date is put up today and attached to records. Copy of the said written representation is furnished to the complainant and the OP 1.

4. Heard oral submissions made by the complainant and the OPs. The judgment and order are delivered below: -

(a) The case of the complainant is that he made a written request on 20.11.2007 to the Inspector of Schools, Jirania being the SPIO seeking the following information under the RTI Act, 2005 (the Act): -

(i) Under which provisions of the Tripura Value Added Tax Act, the implementing officer of the departmental work is required to pay VAT?



- (ii) Whether there is any provision in the estimate for margin or profit and payment of VAT? If there is no provision, how the complainant can be asked to pay VAT from his pocket?
- (iii) If VAT is leviable on departmental work, who is responsible for payment of VAT?

(b) OP 1 transferred the above written request to the OP 2 instead of providing the information to the complainant. There was also no response from either the OP 2 or OP 3, the complainant alleged. Hence, the complainant approached this Commission for appropriate redress.

(c) We have carefully perused the written representations submitted by the OP1 and OP3. It transpires that the OP1 being the Inspector of School, Jirania authorized the complainant to execute a construction work under a written work order. So, the OP 1 being the SPIO was under obligation to provide at least the information under item no. (ii) mentioned above. But, instead of providing the said information to the complainant, he transferred the written request to the Commissioner of Taxes, Government of Tripura for taking necessary action under the Act. Again, the OP 3 Sri P. Banerjee, Assistant Commissioner of Taxes, Government of Tripura being the SPIO in the office of the Commissioner of Taxes, Government of Tripura instead of providing the information directly to the complainant intimated some material facts pertaining to the information to the OP 1 vide the former's letter No. Case No. 13/RTI/2007/759 dated 17.01.2008. In his turn, the OP 1 endorsed a copy of the above letter of the OP 3 to the complainant without providing information against each item categorically. Perusal of the above letter of the OP 3 reveals that none of the queries made by the complainant under three items of information have been replied in specific terms living room for vagueness. The OP 3 being the SPIO in the office of the Commissioner of Taxes, Government of Tripura was under obligation to answer the queries made against the items No. (i) and (iii) of information as sought for by the complainant within a period of 30 days of receipt of the written request in issue of the complainant form the OP 1. But, the OP 3 did neither furnish the information to the complainant nor responded within the time. However, the fact remains that all the information as sought for by the complainant are available with the OP 1 and OP 3 and the complainant is also entitled to have access to the above information. So, the OPs 1 and 3 are under obligation to provide the information to the complainant as sought for by him as available in their respective custody.

(d) In fine, the complaint is allowed on contest with the following orders: -

- (i) OP 1 Sri Rabi Debbarma, Inspector of Schools, Jirania being the SPIO shall provide the information against item no. (ii) as mentioned in paragraph 5 above to the complainant within a

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period of 15 days from the date of passing of this judgment and order free of cost under intimation to this Commission.

- (ii) OP 3 Sri P. Banerjee, Assistant Commissioner of Taxes, Government of Tripura, being the SPIO in the office of the Commissioner of Taxes, Government of Tripura shall provide the information against items no. (i) and (iii) as mentioned in paragraph 5 above to the complainant directly within a period of 15 days from the date of passing of this judgment and order free of cost under intimation to this Commission and the OP 1.

5. Let copy of this judgment and order be sent to the complainant and the OPs.

Sd/-
(D.K. Daschaudhuri)
State Information Commissioner

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

No. 73-76

Dated, 22.01.2008

Copy to: -

1. Sri Nimai Majumder, Vill- Jirania: P.O.- Birendranagar, West Tripura (complainant).
2. Sri Rabi Debbarma, Inspector of Schools, Jirania, West Tripura (SPIO).
3. Sri D.R.Datta, Commissioner of Taxes, Government of Tripura, Agartala (head of the Public Authority).
4. Sri P. Banerjee, Assistant Commissioner of Taxes, Government of Tripura, Agartala (SPIO).


(S.C. Saha)
Secretary
Tripura Information Commission