



**TRIPURA INFORMATION COMMISSION**  
P.N.Complex: Gorkhabasti : Agartala

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Complaint No. TIC – 17 of 2009-10

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**ORDER**  
**Dated, 01.01.2010**

The complaint No. TIC-17 of 2009-10 was partially disposed of by this Commission vide its judgment and order dated 22.12.2009 with the following direction amongst others:-

(i) Sri P.K. Das, Executive Director, TFDPC Ltd., Agartala and the SPIO should furnish the information and the reasons in case of non-availability of the information to the complainant as directed under paragraphs 7-17 of the judgment and order dated 22.12.2009 as stated above within a period of 30 days free of charge as the SPIO could not furnish the information to the complainant within the statutory period as prescribed by the Act.

(ii) This Commission was of the prima-facie view that the OP being the SPIO had knowingly furnished incorrect, incomplete and misleading information to the complainant and, therefore, was liable to be penalized under section 20(1) of the Act. As required under the first proviso to section 20(1) of the Act, OP Sri P.K. Das, Executive Director, TFDPC Ltd., Agartala and the SPIO was afforded with a reasonable opportunity of being heard and showing cause by submitting a written representation as to why he should not be penalized under section 20(1) of the Act.

2. In compliance with the above direction, OP Sri P.K. Das, Executive Director, TFDPC Ltd., Agartala and the SPIO appeared on 01.01.2010 and submitted a written representation on the show-cause notice issued by this Commission. In his written representation and oral submission, OP has advanced as follows:-

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- (i) That the complainant vide his written request dated 15.01.2009 had sought for several items of information attributing to some hundreds of documents. Compilation of those hundreds of documents was a highly difficult task as most of the documents/records pertaining to the information sought for by the complainant were very old.
- (ii) That the SPIO was never against the disclosure of the information sought for by the complainant and did not withhold any information with malafide intention. In fact, on receipt of the written request of the complainant in issue, the SPIO had responded to it in time providing the bulk of the information to the complainant.
- (iii) That during shifting of the office of the Corporation severally, some old documents/records might have been misplaced.
- (iv) That the SPIO could not furnish some of the information to the complainant for the reason that these were not available. He is responsible to disclose only those information which are available with him or with any other authority under the same public authority. The Act does not empower the SPIO to create any information for disclosure.
- (v) That in view of the above circumstances, there might have inconsistency in the documents sought for by the complainant and the documents supplied by the SPIO. However, such inconsistency was not intentional on the part of the SPIO as this was beyond his control.
- (vi) That the present SPIO himself was not responsible for non availability of some of the old documents/ records pertaining to the information sought for by the complainant in view of the reasons stated above. In fact, the present SPIO and other officials of the Corporation made sincere efforts and tried their best to find out the documents/records pertaining to the information sought for by the complainant, but could not locate some of them despite their utmost endeavour.
- (vii) The SPIO is now ready to furnish the information and also to communicate the reasons for non-availability of some of the information to the complainant as directed by the Commission vide its judgment and order dated 22.12.2009.
- (viii) It is thus, evident from the above submission that the SPIO did not furnish any incorrect, incomplete and misleading information to the complainant and, therefore, requested this Commission to consider the
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case sympathetically and to exonerate the OP being the SPIO from the penalty proposal initiated under section 20(1) of the Act.

3. In consideration of the above submissions of the OP being the SPIO and the facts and the circumstances of the case, the Commission is convinced that the SPIO did not furnish any incorrect, incomplete and misleading information intentionally nor he withheld any information with malafide intention and, therefore, directs that the penalty proposal initiated against the OP Sri P.K. Das, Executive Director, TFDPC Ltd., Agartala and the SPIO under section 20(1) of the Act be dropped with the warning that the OP being the SPIO should be more careful and circumspect in future in dealing with the written request for information strictly in adherence to the relevant provisions of the Act and the Tripura Right to Information Rules, 2008.

4. With the above findings and orders, the complaint stands finally disposed of.

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

Sd/-

(B.K.Chakraborty)

State Chief Information Commissioner

No. 1400-02

Dated, 01.01.2010

Copy to:-

- 1.Sri Jiban Kumar Dasgupta, S/o Late Mono Ranjan Dasgupta, C/o Divisional Manager, TFDPC Ltd., Kumarghat, North Tripura, PIN: 799264 (Complainant).
- 2.Sri P.K. Das, Executive Director, TFDPC Ltd., Abhoynagar, Agartala (State Public Information Officer) – OP.
- 3.Dr. R.L. Srivastava, IFS, Managing Director, TFDPC Ltd., Abhoynagar, Agartala (Head of the Public Authority).

(S.C.Saha)  
Secretary

Tripura Information Commission