



TRIPURA INFORMATION COMMISSION

P.N.Complex: Gorkhabasti : Agartala

Complaint No. TIC – 56 of 2009-10

Smt. Anjana Sinha
W/O Sri Tarit Kr. Sinha
C/O Sri Shishir Sinha
Rajbari , Mandappara,
Dharmanagar, North Tripura.....Complainant

Vs

1.Sri Badal Ghatak, Deputy General Manager, Electrical Division No-II, Tripura State Electricity Corporation Ltd., Dharmanagar, North Tripura (State Public Information Officer).
2.Sri Raja Bhattacharya, Senior Manager, Electrical Sub-Division – I, Tripura State Electricity Corporation Ltd., Dharmanagar, North Tripura
.....Opposite Parties

ORDER

Dated, 16.04.2010

The complainant Smt. Anjana Sinha is absent without any step despite the notice was sent to her in advance on 10.03.2010.

2. The Opposite Party (OP) 1 Sri Badal Ghatak, Deputy General Manager, Electrical Division No-II, Tripura State Electricity Corporation Ltd. (TSECL), Dharmanagar and the State Public Information Officer (SPIO) is absent by a petition dated 16.04.2010 sent by fax and received by this Commission on the same date. The OP 2 Sri Raja Bhattacharya, Senior Manager, Electrical Sub-Division – I, TSECL, Dharmanagar appeared and submitted a written representation, which is attached to records.



3. Heard oral submission made by the OP 2. Also perused the contents of the written request dated 21.01.2010 of the complainant submitted to the SPIO in the office of the Deputy General Manager, Electrical Division No-II, Dharmanagar, the written complaint dated 05.03.2010 of the complainant lodged with this Commission and the written representation dated 13.04.2010 of the OP 2 submitted on 16.04.2010 with its enclosures.

4. Brief facts leading to this complaint are that the complainant made a written request on 21.01.2010 to the Senior Manager, Electrical Sub-Division - I, TSECL, Dharmanagar accompanied by the postal money receipt No. A 2925 dated 21.01.2010 towards payment of the application fee by money order seeking certain items of information under the RTI Act, 2005 (for short the Act). Having no response from the concerned SPIO within the statutory period prescribed by the Act and even till the date of lodging this complaint, the complainant has approached this Commission with this complaint seeking direction to have access to the information sought for under her written request dated 21.01.2010. Along with the written complaint, the complainant has furnished photocopies of the relevant documents.

5. The information sought for by the complainant vide her written request dated 21.01.2010 in issue are summarized below:-

- (i) To furnish the name and address of the person who had raised objection on the prayer of the complainant for extending new domestic power connection. Also to provide the certified copies of his/her written objection and the documents, if any on which he/she claimed the land in question to be owned by them.
- (ii) If an existing domestic power connection allowed in Government Khas land is not illegal, whether another domestic power connection of the co-sharers on the same land is barred. If so, under what provisions of law?
- (iii) To furnish the details of the action taken on the objection application dated 13.11.2009 of the complainant submitted to the SDO (Electrical), Dharmanagar, Tripura (North).



6. On careful study of the case, it appears that the following irregularities were committed by the OPs in dealing with the written request dated 21.01.2010 of the complainant in issue:-

- (a) The OP 1 being the SPIO did neither respond to the written request nor furnished any information to the complainant till 28.03.2010.
- (b) The OP 2 Sri Raja Bhattacharya, Senior Manager, Electrical Sub-Division – I, TSECL, Dharmanagar vide his letter No.41(01)/ESD-I/DMN/1096 dated 29.03.2010 has furnished some information to the complainant.
- (c) The OP 2 was neither designated as SPIO nor as SAPIO under the Act. It was, therefore, wrong on his part to furnish the information to the complainant as he was not empowered by the Act to do so.
- (d) The OP 1 being the designated SPIO was under the obligation to attend and dispose of the written request in issue within the time limits specified in section 7(1) of the Act, which he failed to comply with.

7. The OP 1 vide his letter dated 16.04.2010 sent by fax has informed that he could not appear and submit any written representation before the Commission today on 16.04.2010 as directed for the reason that he is extremely busy in restoring the power services severely affected and damaged due to storm in and around Dharmanagar, Panisagar Block, Kadamtala Block and Damcherra Block areas. He also informed this Commission over telephone that the irregularities in dealing with the written request in issue were unintentional and mainly because of their inadequate knowledge about the provisions of the Act and the Tripura Right to Information Rules, 2008 (for short the Rules) and assured that in future, all RTI applications shall be attended and disposed of by him strictly in compliance with the provisions of the Act and the Rules. In his written representation dated 13.04.2010 submitted on 16.04.2010, the OP 2 has explained that the information could not be supplied to the complainant in time as the written request in issue and the documents pertaining to the information sought for were misplaced, which could be located subsequently after vigorous search.

8. On examination of the information provided to the complainant by the OP 2 on 29.03.2010, it appears that

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against item –(i), only part information has been supplied. The certified copies of the documents based on which the ownership of the land in question was claimed by the person who had raised objection, were not furnished to the complainant. The information furnished by the OP 2 under item –(ii) is incomplete and misleading as the SPIO was under the obligation to furnish correct, complete and specific replies/information to the queries made by the complainant under this item. The information provided under item-(iii) is inadequate. The SPIO is required to furnish to the complainant the details of the action taken so far on the objection petition dated 13.11.2009 and its present status. It is, therefore, clearly established that the OP 1 being the SPIO not only failed to attend and dispose of the written request of the complainant in issue within the time limits specified in section 7(1) of the Act, but also furnished part, incomplete, misleading and inadequate information to the complainant at a delayed stage making him liable to be penalized under section 20(1) of the Act. However, this being the first case and considering the frank confession made by the OPs, this Commission is inclined to take a lenient view with a strong warning to the OP 1 Sri Badal Ghatak, Deputy General Manager, Electrical Division No-II, TSECL, Dharmanagar and the SPIO to be more careful and circumspect in future in dealing with the RTI applications strictly in compliance with the relevant provisions of the Act and the Rules.

9. Since, the items of information sought for by the complainant as summarized at para-5 above are not exempted from disclosure under any of the provisions of the Act and that the complainant is entitled to have access to them, the OP 1 Sri Badal Ghatak, Deputy General Manager, Electrical Division No-II, TSECL, Dharmanagar being the SPIO is directed to furnish the balance information under item-(i) duly certified under his seal, signature and date and the correct, complete and adequate information under items-(ii) & (iii) to the complainant in view of the discussions made at para - 8 above within a period of 20 days from the date of passing of this order. The OP 1 is also directed to submit a report of compliance to this Commission in this regard forthwith.

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

11. Let copy of this order be sent to the complainant and the OPs. Also send a copy of this order to the Chairman-cum-Managing Director, TSECL being the head of the Public Authority.



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

No. 216-19

Dated, 16.04.2010

Copy to:-

- 1.Smt. Anjana Sinha, W/O Sri Tarit Kr. Sinha, C/O Sri Shishir Sinha, Rajbari , Mandappara, Dharmanagar, North Tripura (Complainant).
- 2.Sri Badal Ghatak, Deputy General Manager, Electrical Division No-II, Tripura State Electricity Corporation Ltd., Dharmanagar, North Tripura (State Public Information Officer) – OP 1.
- 3.Sri Raja Bhattacharya, Senior Manager, Electrical Sub-Division – I, Tripura State Electricity Corporation Ltd., Dharmanagar, North Tripura –OP 2.
4. The Chairman-cum-Managing Director, Tripura State Electricity Corporation Ltd, Bidyut Bhavan, Banamalipur, Agartala (Head of the Public Authority).


(S.C.Saha)
Secretary

Tripura Information Commission