



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

Complaint No. TIC – 57 of 2009-10

Sri Krishna Gopal Saha
Town Shibnagar (Near MBB Club)
Agartala, West Tripura.
Cell Phone No-9436120695.....Complainant

Vs

Sri Pradip Acharjee, Block Development Officer, Mohanpur RD Block, P.O.- Sidhai,
West Tripura (State Public Information Officer).....Opposite Party

ORDER
Dated, 22.04.2010

The complainant Sri Krishna Gopal Saha is present.

2. The Opposite Party (OP) Sri Pradip Acharjee, Block Development Officer (BDO), Mohanpur RD Block and the State Public Information Officer (SPIO) is absent without any step though summons was sent to him in advance on 16.03.2010 by registered post directing him to appear before this Commission in person and to make written submission on the complaint.

3. Heard oral submission made by the complainant. Also perused the contents of the written request dated 22.01.2010 of the complainant submitted to the BDO, Mohanpur RD Block and the written complaint dated 16.03.2010 of the complainant lodged with this Commission.

4. Brief facts leading to this complaint are that the complainant made a written request on 22.01.2010 to the BDO, Mohanpur RD Block being the SPIO accompanied by



the requisite amount of application fee seeking certain items of information under the RTI Act, 2005 (for short the Act). But, the concerned SPIO did neither respond to the written request in issue nor furnished any information to the complainant within the statutory period prescribed by the Act and even till the date of lodging this complaint on 16.03.2010. The complainant has, therefore, approached this Commission with this complaint seeking direction to have access to the information sought for by him vide his written request dated 22.01.2010 and also to take penal action against the erring SPIO under the Act. Along with the written complaint, the complainant has furnished photocopies of the written request dated 22.01.2010 and the money receipt towards payment of the application fee.

5. The information sought for by the complainant vide his written request dated 22.01.2010 submitted to the BDO, Mohanpur RD Block being the SPIO are quoted below:-

"(i) Bill wise Tax collected by the then B.D.O. Mohanpur from me (Mahamaya Bricks Industries) during the period from 01.04.1994 to 31.12.1995 which may be furnished in form of a statement duly authenticated.

(ii) Whether the collected amount of Tax was remitted to the sale tax authority, If so to which authority (Designation of the authority including name of charge/division) the said collected tax was remitted.

(iii) The mode of the remittance, whether paid by cheque/deposit in to Govt treasury.

(a) If it is deposited through treasury challans, copy/copies of the said challans please be provided.

(b) If it is remitted by cheque, the number of cheque, name of bank on which cheque was issued and the authority who received the said cheques."

6. In course of inquiry of the complaint, it is clearly established that the OP being the SPIO did neither respond to the written request in issue nor furnished any information to the complainant even after expiry of 91 days of its receipt making him liable to be penalized under section 20(1) of the Act. This apart, though specifically directed by this Commission, the OP being the SPIO neither appeared nor



made any written submission explaining his stand on the complaint.

7. In view of the facts and the circumstances of the case stated above, this Commission is of the prima facie view that the OP being the SPIO has not only disobeyed the directions of this Commission, but also has contravened the provisions of section 7(1) of the Act by not responding to the written request in issue and also not furnishing any information to the complainant even after expiry of 91 days without any reasonable cause for which an amount of Rs. 25,000/- is proposed to be imposed on him as penalty under section 20(1) of the Act. However, as required under the first proviso to section 20(1) of the Act, the OP Sri Pradip Acharjee, BDO, Mohanpur RD Block and the SPIO is hereby afforded with an opportunity of being heard and to show-cause as to why penal action shall not be taken against him under section 20(1) of the Act by submitting an additional written representation before this Commission on 14.05.2010.

8. Fix **14.05.2010 at 11 A.M.** for appearance of the complainant & the OP and submission of the written reply by the OP on the show-cause notice.

9. The information sought for by the complainant vide his written request dated 22.01.2010 are not exempted under any of the provisions of the Act and, therefore, the complainant is entitled to have access to them. The complaint, therefore, stands partially disposed of with the following orders:-

- (i) The OP Sri Pradip Acharjee, BDO, Mohanpur RD Block being the SPIO is directed to furnish the information including the certified copies of the documents as sought for under the items quoted at para - 5 above to the complainant within a period of 20 days from the date of passing of this order.
- (ii) The OP is further directed to submit a report of compliance of the above orders to this Commission on or before **14.05.2010**.

[Handwritten signature]



10. Let copy of this order be sent to the complainant and the OP. Also send a copy of this order to the Commissioner & Secretary to the Government of Tripura, RD Department being the head of the Public Authority.

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

No. 242-64

Dated, 22.04.2010

Copy to:-

1. Sri Krishna Gopal Saha, Town Shibnagar (Near MBB Club). Agartala, West Tripura, Cell Phone No-9436120695 (Complainant).
2. Sri Pradip Acharjee, Block Development Officer, Mohanpur RD Block, P.O.- Sidhai, West Tripura (State Public Information Officer)- OP.
3. The Commissioner & Secretary to the Government of Tripura, RD Department, Capital Complex, Agartala (Head of the Public Authority).

22/4/10
(S.C.Saha)
Secretary

Tripura Information Commission