



In the Tripura Information Commission
P. N. Complex : Gorkhabasti : Agartala

Complaint No 12 of 2006-07.

Smti Sikha Rani Modak
C/O Late Kiran Shankar Modak
Fire Brigade Chowmohni
Agartala : Tripura
Pin - 799002..... Complainant

Vs

Sri A. Chandra, Managing Director,
Tripura Industrial Development Corporation,
Industrial Development Bhavan, P.N.Complex,
Gorkhabasti : Agartala.....Opposite Party

In the matter of a complaint under section 18
of the Right to Information Act, 2005.

PRESENT:

1. Sri B.K.Chakraborty
State Chief Information Commissioner

2. Sri D.K.Daschaudhuri
State Information Commissioner

For the Complainant: Smti Sikha Rani Modak.

For the Respondent: Smti Soma Nandi (Nag), Manager, TIDC (State Public
Information Officer) on behalf of the Opposite Party.

Date of lodging complaint: 30.08.2006

Dates of hearing argument: 13.09.2006

Date of pronouncing judgment: 13.09.2006



JUDGMENT & ORDER

Facts :

1. This complaint arises out of a petition submitted on 30.08.2006 by Smti Sikha Rani Modak (here-in-after referred to as the complainant). The allegation of the complainant is that on 13.06.2006, she sent a written request to the Managing Director, (M.D.) Tripura Industrial Development Corporation (TIDC) for certain information relating to loan account in the name of her husband Late Kiron Shankar Modak. But she received no response from the M.D., TIDC within the statutory period. Then she sent a reminder to the M.D., TIDC, which also remained unresponded. Hence, the complainant approached this Commission with the present complaint seeking a direction to the M.D., TIDC to disclose the information.

2. Since, the compliant disclosed deemed refusal of information by the M.D., TIDC, a ground for lodging complaint under section 18 of the RTI Act, 2005 (for short the Act), it is admitted as a complaint under section 18 of the Act.

3. In response to the summons issued upon the M.D., TIDC (here-in-after referred to as the Opposite Party, - for short OP), he submitted a written representation on 08.09.2006. It contains that the complainant has never applied to the TIDC for information depositing the prescribed fees to register her application under the Act. He also submitted that after making necessary calculation of the account, the complainant has been finally furnished with the information vide his letter No.TIDC/MR/4(58)/SFC/98/13050 dated 25.08.2006 and thus the matter has been disposed of.

4. Heard the complainant and Smti Soma Nandi (Nag), Manager, TIDC (SPIO) appeared on behalf of the M.D., TIDC (OP).

Point to be decided :

5. The only point to be decided is that as to whether the complainant has valid ground to lodge this complaint and if she is entitled to any relief.

Reason for decision :

6. It is admitted fact that the complainant submitted the written request for information without making payment of the application fee to the M.D., TIDC. The written request does not contain any specific date. However, it reveals from the postal receipt that it was despatched on 13.06.2006. Although the complainant has not written anything in her request for information as to whether it was made under the provision of the Act, but in the reminder letter she categorically stated that as she did not know whether or not there had been any SPIO in the TIDC, she approached the M.D., TIDC for the information. From this contention, the intension of the complainant to seek information under the Act becomes clear. In the circumstances the SPIO in the TIDC should have entertained the application under the Act and informed the complainant to



deposit the application fee in order to deal with the written request under the Act. This is because the Act made it obligatory for the SPIO to render necessary assistance to a requester for information. Albeit, the fact remains that the concerned SPIO in the TIDC has not entertained the written request under the Act as no application fee was paid by the complainant.

7. It also reveals from the written representation of the OP that in response to the letter of the complainant, his office has already furnished necessary information to the complainant under letter No.TIDC/MR/4(58)/SFC/98/13050 dated 25.08.2006. But the complainant informed the Commission that she has not yet received any such letter from the OP. Smti Soma Nandi (Nag), Manager, TIDC who appeared on behalf of the OP, being asked by the Commission, has furnished an authenticated copy of the said letter to the complainant before this Commission.

8. In view of the discussion made here in above, we are of the view that since the complainant did not submit to the concerned SPIO a valid request for information, the present complaint alleging denial of information does not stand and, therefore, it is liable to be dismissed.

9. Before parting with this complaint, we are to observe that whenever any request for information is submitted to any Public Authority, it should render necessary assistance to the requester as required under section 5(3) of the Act. After receipt of the information by the complainant already furnished to her by the OP, if she feels it necessary to obtain further information, she is at liberty to prefer a fresh written request to the concerned SPIO along with the prescribed amount of application fee under section 6(1) of the Act.

Decision :

10. In fine, the complaint is dismissed with the observations made in paragraph 9 above.

11. Let copy of the judgment and order be sent to the Complainant, the OP and the concerned SPIO free of cost.

12. Pronounced.

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

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



Authenticated.

15/9/06
(Sudhir Sarkar)
Secretary

Tripura Information Commission

TRIPURA INFORMATION COMMISSION

P. N. Complex : Gorkhabasti : Agartala

Complaint No. 12 of 2006-07/ *789-9/*

September 13, 2006

Copy to:

1. Smti Sikha Rani Modak, C/O Late Kiran Shankar Modak, Fire Brigade Chowmohni, Agartala, Pin- 799002 (Complainant).
2. Sri A.Chandra, M.D., TIDC, P.N. Complex, Agartala (Opposite Party).
3. Smti Soma Nandi (Nag), Manager, TIDC, P.N. Complex, Agartala (SPIO).

15/9/06
(Sudhir Sarkar)
Secretary

Tripura Information Commission