



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

Complaint No 22 of 2007-08.

Sri Rana Pratap Nath Bhaumik  
Jail Ashram Road, Radha Madhav Sarani,  
P.O.- Dhaleswar, Agartala- 799007  
West Tripura.....Complainant

Vs.

1. Sri Ratan Bhattacharjee, Deputy General Manager, (Planning) Tripura State Electricity Corporation Ltd. (Corporate Office), Bidyot Bhavan, Agartala, Tripura (SPIO).  
2. The Chairman-cum-Managing Director, Tripura State Electricity Corporation Ltd., Bidyot Bhavan, Agartala, Tripura  
..... Opposite Parties

In the matter of the complaint under section 18(1)  
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: The complainant himself.

For the Opposite Parties: Sri Ratan Bhattacharjee, DGM(P), Tripura State Electricity Corporation Ltd., Agartala (SPIO) for himself and on behalf of the OP2 the Chairman-cum-Managing Director, Tripura State Electricity Corporation Ltd., Bidyot Bhavan, Agartala, Tripura (head of the Public Authority).

Date of lodging complaint: 08.10.2007

Dates of hearing: 05.11.2007 & 12.12.2007

Date of pronouncing judgment: 08.01.2008

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JUDGMENT & ORDERFacts:

1. This complaint under section 18(1) of the RTI Act, 2005 (for short the Act) arises out of a written complaint dated 09.10.2007 of Sri Rana Pratap Nath Bhaumik (here in after referred to as the complainant) received by this Commission on the same date.
2. It is alleged by the complainant that on 21.05.2007, he submitted a petition to the Senior Manager, Tripura State Electricity Corporation Ltd.(TSECL), ESD-I, Banamalipur, Agartala requesting to shift a steel pole from his boundary line, which was set up partly on his land without his consent. Having no response, the complainant made a written request on 06.09.2007 to the State Public Information Officer (SPIO) in the Corporate Office of the TSECL, Agartala seeking information under the Act about the action taken on his application dated 21.05.2007. He also deposited application fee of Rs. 10/- in cash. Having no response from the SPIO within the statutory period, the complainant approached this Commission by way of this complaint for appropriate redress. Along with the complaint, the complainant furnished photocopies of the application dated 21.05.2007, written request dated 06.09.2007 seeking information and the money receipt towards payment of application fee.
3. On perusal of the complaint with enclosures, we find adequate materials to take cognizance of a complaint under section 18(1) of the Act.
4. In response to the summons, the Opposite Party No.1 (OP1) Sri Ratan Bhattacharjee, DGM (P), and the SPIO in the Corporate Office of the TSECL appeared for himself and on behalf of the Chairman-cum-Managing Director, TSECL, Agartala (head of the Public Authority). He also submitted written representations dated 16.10.2007, 29.11.2007 and 12.12.2007. The complainant also submitted a written rejoinder to his complaint on 12.12.2007.

Point for decision:

5. In consideration of the complaint with enclosures, the written rejoinder thereto and the written representations of the OP1, the only point to be decided is as to whether the OP1 being the SPIO provided adequate information to the complainant in response to latter's written request dated 06.09.2007.

Reasons for decision:

6. It is transpired from the written representation dated 16.10.2007 of the OP1 that he had already responded to the written request dated 06.09.2007 of the complainant in issue by providing information vide his letter

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No.F.CMD/13.1/29352 dated 06.10.2007. The contents of the information are that the action could not be taken as no steel pole was found inside the boundary of the complainant. The complainant in course of hearing on 05.11.2007 informed the Commission that he did not receive any such information till that date. However, a copy of the written representation of the OP1 along with the information provided as mentioned above was furnished to the complainant before the Commission. But the complainant expressed his dissatisfaction on the information provided to him by the OP1. The Commission reconciled into the matter and as desired by the Commission, the OP1 agreed to make further investigation on the spot by himself to see if any action needs be taken on the basis of the application dated 21.05.2007 of the complainant. Accordingly, the OP1 after spot enquiry, submitted an additional written representation on 12.12.2007 wherein it was categorically mentioned that the steel pole of LT line of TSECL which the applicant had asked to be removed from his house was found actually located outside the eastern boundary of the house of the applicant and, therefore, no action from TSECL was necessary to remove the above steel pole of LT line as asked for. A copy of the said additional written representation of the OP1 has also been furnished to the complainant.

7. The information sought for by the complainant was about the action taken report on his application dated 21.05.2007 submitted to the Senior Manager, TSECL, ESD-I, Agartala on the basis of which the OP1 being the SPIO provided the information that the matter was enquired into on the spot and as the steel pole was found outside the boundary fencing of the complainant's house, no action for removal of the steel pole of LT line was needed to be taken. Thus, we are of the view that adequate information has been provided to the complainant in response to his written request dated 06.09.2007. The present complaint is thus devoid of merit and therefore, is liable to be dismissed.

8. Before parting with this judgment, we consider it expedient to place it on record that the SPIO issued money receipt towards payment of application fee in the format of the TSECL instead of the format prescribed under the Tripura Right to Information Rules, 2005 (TRI Rules, 2005). It is also not clear whether or not the OP1 being the SPIO deposited the application fee to the government exchequer against specific Head of Account. The OP1 is, therefore, directed to submit a report to this Commission within a period of 7 days from the date of passing of this judgment and order confirming deposit of the application fee in the government exchequer against the specific Head of Account of the State Government as allotted by the Finance Department, Government of Tripura. He is also directed to issue money receipt towards payment of application fee and additional fees to any information seeker in the format prescribed under the TRI Rules, 2005 in future.

Decision:

9. In fine, the complaint is dismissed on contest with the observations made in paragraph- 8 above.




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

11. Pronounced.

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

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

Authenticated.

  
81/02  
(S.C. Saha)  
Secretary  
Tripura Information Commission

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

Complaint No. 22 of 2007-08/02-04

January 08, 2008

Copy to:

1. Sri Rana Pratap Nath Bhaumik, Jail Ashram Road, Radha Madhav Sarani, P.O.- Dhaleswar, Agartala- 799007, West Tripura (Complainant).
2. Sri Ratan Bhattacharjee, DGM (P), Corporate Office, Tripura State Electricity Corporation Ltd., Bidyot Bhavan, Agartala, Tripura (SPIO).
3. The Chairman-cum-Managing Director, Tripura State Electricity Corporation Ltd., Bidyot Bhavan, Agartala, Tripura (Head of the Public Authority).

  
81/03  
(S.C. Saha)  
Secretary  
Tripura Information Commission