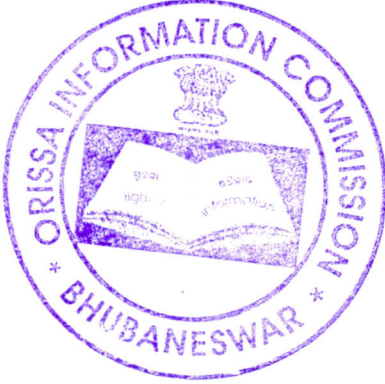


**BEFORE THE ORISSA INFORMATION COMMISSION  
BHUBANESWAR**

**Present: Hon'ble Shri D.N.Padhi, SCIC**

**Date: 3<sup>rd</sup> February, 2009**

**Complaint Case No. 1090/2007**



Rahim Khan,  
Plot no.262-C,  
Forest Park,  
Bhubaneswar .....Complainant

**-Vrs-**

1. Public Information Officer,  
Bhubaneswar Development Authority,  
Bhubaneswar.
2. First Appellate Authority,  
Bhubaneswar Development Authority,  
Bhubaneswar.....Opposite Parties

**Decision**

1. Complainant Rahim Khan is absent on call. His absence cannot be condoned today under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006, as he had been accorded an opportunity vide orders dated 11/11/08 to appear in person and participate in the hearing of the case failing which the matter will be disposed of exparte on merits. Md. Q.I.Ali, PIO, Bhubaneswar Development Authority ( BDA for short) is present. Heard. Perused the case record. This arises out of complaint petition dated 24/07/07.
2. This case was earlier heard on 11/11/08. The Complainant in form A application dated 04/05/07 had sought information on four points, namely, i) Naksha/map relating to plots no.1542/4133 and 1542/4151

falling within the threshold area of Satabdi Nagar drainage channel  
ii) copy of the relevant High Court orders. iii) Papers/affidavit submitted by BDA before the Hon'ble High Court of Orissa, and ( iv) copies of letters between 2004 to 30/04/07 to EIC, Water Resources/ BMC regarding alignment of Satabdi Nagar drain.

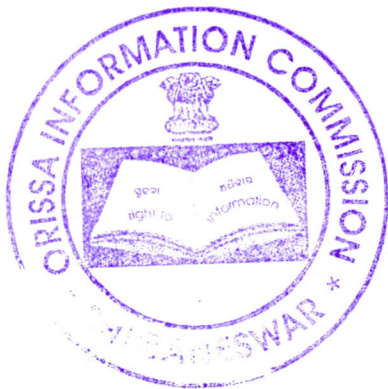
3. The PIO had stated on that day that the Planning Branch was requested on 07/05/07 to supply the information. The latter furnished the documents containing 13 pages except the copies of naksha/map and intimated that the drainage scheme for the said area was under the active consideration of the Water Resources Department, Government of Orissa, Bhubaneswar. No final decision had yet been taken. However after collecting the available information, he had requested the Complainant to deposit the cost of information. The latter accordingly deposited the same and received the information on 02/06/07. As regards supply of the certified copy of the orders of the Hon'ble Orissa High Court, the PIO informed the Complainant that he should apply for the same by paying appropriate Court fees etc. in the Registry of the High Court, Orissa.
4. From the above discussed facts, it is reasonably inferred that with reference to the form A application of the Complainant dated 04/05/07, the PIO BDA had initially responded on 02/06/07 which was within 30 days as prescribed under Section 7 (1) of the RTI Act, 2005 (Act for short) in furnishing the available information to the Complainant. Nonetheless, to know the actual facts, the State Commission on 11/11/08 had felt it just, proper and equitable to provide another opportunity to the Complainant so that he could clarify any pending grievance. Accordingly, notice was sent by


speedpost on 22/11/08 to the Complainant to appear before the State Commission today. In spite of the said notice the Complainant is found absent on repeated calls. It is presumed that he has no further grievance in the matter.

5. As the initial response was within the maximum stipulated timelimit under the RTI Act, 2005, there is no delay in this case and all the information as available have been supplied to the Complainant, the case is disposed of and closed with no orders of penalty. The PIO, BDA is exonerated. Inform the Complainant.

**Pronounced in open proceedings**

Given under the hand and seal of the State Commission, this 3<sup>rd</sup> day of February, 2009.



  
**SCIC**  
3.2.09