

BEFORE THE ORISSA INFORMATION COMMISSION

BHUBANESWAR

Present: Shri Jagadananda, SIC

Date: 19th May, 2009

Complaint Case No. 856 / 2008



Bijay Kumar Das,
Director,
"GOODS SAMARITANS"
C/o-"ASHIRBAD"-770039,
Sundargarh DistrictComplainant

-Vrs-

Public Information Officer,
Office of the Assistant Commissioner of Commercial Taxes,
Sundargarh Range,
Rourkela,
PO-Uditnagar-769012,
Sundargarh DistrictOpposite Party

Decision

1. Complainant Bijaya Kumar Das is absent. B. K. Panigrahi, Commercial Tax Officer-cum-PIO, Rourkela-II Circle, Panposh, Sundargarh district is present. Heard. Perused the case record. The case arises out of a complaint petition dated 13/06/08.
2. It reveals from the record that the Complainant filed form A application dated 09/01/08 before the PIO and the same was received on 10/01/08 as ascertained from the submission of the PIO. The Complainant had sought information regarding inspection of the documents and records maintained under O.V.A.T. Act, 2005 and Rules made thereunder and

also required to obtain certified copies of the records and documents thereof.

3. The application was rejected by the PIO vide its order no-580 dated 30/01/08 stating that the information are exempted under Section 8(1)(d) of the RTI Act, 2005 (Act for short) as it relates to third party involving commercial confidence and trade secrets.
4. Not satisfied with the response, the Complainant filed first appeal before the First Appellate Authority on 04.02.08. The First Appellate Authority disposed of the case on 16.04.08 with a direction to the PIO to allow inspection of records as the matter involves larger interest of the Public. The Complainant was intimated vide letter no. 706 dated 30.07.08 to inspect the record as available at the Public Authority.
5. Complainant appeared on 12.08.08 in the Public Authority and inspected the records but was apparently not satisfied as the information furnished were stated to have been insufficient. The respective dealers were issued notice by the PIO on 02.09.08 to appear with required documents available at their end for inspection by the Complainant. The dealers did not produce their books of Accounts despite repeated notices served to them.
6. Notice issued from the State Commission to the Complainant on 20.01.09 was returned undelivered with the postal remark that the 'addressee expired'. The PIO further states that the Complainant has left the mortal world on 10/01/09.

