

BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR

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

Shri Jagadananda, SIC

Date: 20th August, 2009

Complaint Case No.103/2008

and

Complaint Case No.152/2008



Rakesh Golchha,
C/o-Sita Offset,
War no.9, NAC,
Khariar Road,
Nawapara district.....Complainant

-Vrs-

Public Information Officer,
Office of the Notified Area Council,
Khariar Road,
Nawapara district.....Opposite Party

Decision

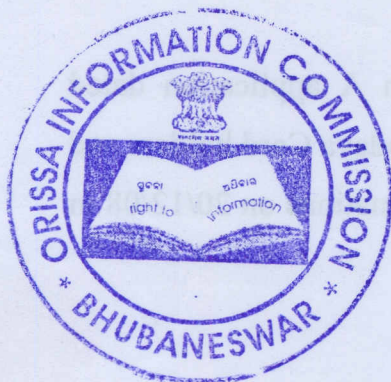
1. Complainant Rakesh Golchha is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Arun Kumar Patra ,PIO-cum-Junior Engineer and Madhusudan Mahapatra, ex-Tax Collector, both of Khariar Road Notified Area Council, Nawapara district are present. Heard. Perused the case record. This case arises out of complaint petition dated 21/01/08. Both the above cases will be covered by this common order as they arise out of the same cause of action. Form A applications are not enclosed to the complaint petition but it appears to have been received by PIO of the Public Authority on 06/12/07 as per receipts on record.
2. The Complainant had sought information in form A application dated 06/12/07 on 10 items relating to details of BPL/Antodaya Card holders and Khariar Road NAC matters. The PIO supplied informations on 20/12/08 in


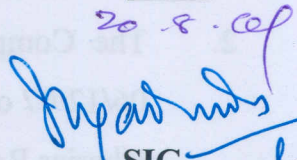
568 pages. This was almost after one year, and that too, on payment of cost. After hearing the PIO on 12/12/08 the State Commission expressing their displeasure had directed him on that day to refund the cost of information if received within 2 weeks of receipt of these orders, as it was violative of Section 7 (6) of the RTI Act, 2005. The fact of refund was to be reported to the Registrar of the State Commission.

3. On 26/02/09, the then PIO, Arjun Prasad Panda had submitted the chronological date chart. The same was perused and taken to record. He also informed that according to the direction dated 12/12/08 of the State Commission Rs.1300/- had been refunded on 10/02/09 to the Complainant on a proper receipt.. It was noted that all the required information which were huge in quantity have been supplied to the Complainant although there was a delay of ten months and 15 days. The PIO prayed for exemption of penalty for delay in supplying the information, as the same was circumstantial and not deliberate. Madhusudan Mahapatra stated that after filing form A application, his only son had expired and he was in terrible mental shock. Therefore, he could not provide the information on time.
4. On being convinced that there is no malafide intention with the referred PIO, the case is disposed of and closed. Inform the Complainant.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 20th day of August, 2009.




SCIC
20.8.09

SIC
20/8/09

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