

BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR

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

Date : 3rd March,2009

Complainant Case No. 1048/2007



Suresh Kumar Agrawal,
S/o Sajjan Kumar Agrawal,
Vill: Singhar,
P.S: Sinapali
Nawapara district Complainant

-Vrs-

K.K. Nayak,
ACTO, Rayagada,
Rayagada districtOpposite Party

Decision

1. Complainant Suresh Kumar Agrawal is absent on call. His absence cannot be condoned under Rule 9(2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006 as it had been felt necessary on 21/01/09 to hear him before finalizing the case. Pursuram Konhar, PIO-cum Assistant Commissioner Commercial Tax, Rayagada Circle, Rayagada district is present . Heard and perused the case record. This case arises out of the complaint dated 05/07/07.
2. The case was earlier heard on 30/09/08 and 21/01/09 . On perusal of the documents available on record it was seen that the Complainant had not filed a copy of the form A application. He had simply applied in a plain

paper on 05/07/07 to the State Commission indicating his request supposedly made to the PIO for information on (i) fixation of the rate of mahua flowers per quintal in order to collect the requisite tax, (ii) the tax rate for the months of April and May in Rayagada district for Mahua flower per quintal .

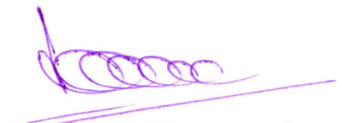
3. The allegation of the Complainant was that KK Nayak, Assistant Commercial Tax officer refused to accept the form A application on the plea that there was no PIO designated in their office and hence they were not in a position to give any information. As this was considered a direct affront to the objectives of the RTI Act, 2005, the State Commission directed the Commissioner, Commercial Taxes, Cuttack to ensure the presence of the KK Nayak, ACTO and inform the PIO, office of the Assistant Commercial Tax Officer, Rayagada to come with the relevant papers/files
4. On the above direction of the State Commission, Parsuram Konhar , PIO-cum-Assistant Commissioner Commercial Tax, Rayagada appeared and submitted his prayer , which was perused and taken to record. He averred that on verification of official records maintained in the Commercial Tax Office, Rayagada Circle, Rayagada, it was found that Suresh Kumar Agarwal, the Complainant had not submitted any application under the RTI Act either through post or in person during the said period. He stated that Kishore Kumar Nayak, ex- Addl. Commercial Tax Officer, Rayagada Circle, Rayagada was also not declared as PIO of the Circle office during the alleged period . He further submitted that all RTI applications received by PIO, Commercial Tax Office, Rayagada Circle, Rayagada till date had been timely disposed of . For perusal of the State Commission , he exhibited records, registers and files maintained under RTI Act .

5. The State Commission upon hearing the PIO as above and on perusal of the exhibited registers, documents etc. were satisfied with the submission,. However, the PIO was directed to provide the required information as prayed for by the Complainant by 25/03/09 under certificate of posting, with intimation to the Registrar, Orissa Information Commission . As the Complainant had not applied to the PIO in a proper manner and moved to the State Commission in a plain paper without supporting documents viz form A application etc. (even if not accepted by the PIO), the request cannot be maintained under the RTI Act, 2005,. Hence the case is disposed of and closed with no penalty orders. Inform the Complainant. The situation could have been differently viewed by the State Commission if he had been present even in one of the 3 hearings and explained his position.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 3rd March,2009 .




SCIC
3-3-09

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