

**BEFORE THE ORISSA INFORMATION COMMISSION,
BHUBANESWAR**

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

Date:-9th September, 2009

Complaint Case No.1379 of 2007

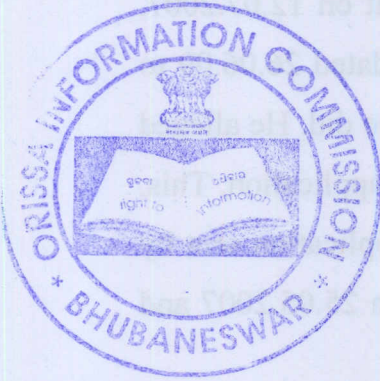
Braja Kishore Nayak,
Programme Assistant,
IED, Orissa,
Plot No.123,
Sector-A, Zone-A,
M.I.E., Rasulgarh,
Bhubaneswar..... Complainant

-Vs-

Public Information Officer,
Institute of Entrepreneurship Development, Orissa
Plot No.123, Sector-A, Zone-A,
M.I.E., Rasulgarh,
Bhubaneswar..... Opposite Party

Decision

1. Complainant Braja Kishore Nayak is present. Bidhu Bhusan Mishra, Administrative Officer and Arun Kumar Dhal, Typist-cum-Assistant-cum-PIO, both of Institute of Entrepreneurship Development, Orissa, Bhubaneswar are also present. Heard them and perused the case record. This matter arises out of complaint petition dated 11.09.2007 under Section 18 of the RTI Act,2005.
2. Complainant had filed form A application dated 24.05.2007 with the PIO, Institute of Entrepreneurship Development, Orissa (IED for short) seeking copies of the notesheets submitted by the Dealing Assistant to the Administrative Officer/Chairman on his grievance appeals dated 17.08.98, 17.02.2004 etc. (9 in all) and orders of the Chairman thereon for information of the Sub-Committee, copy of the report, approval of the Chairman and photocopies of resolutions of the 40th, 41st and 42nd Governing Board meetings etc. According to the Complainant, the then PIO had refused to receive the form A application under the Orissa RTI Rules,2005.

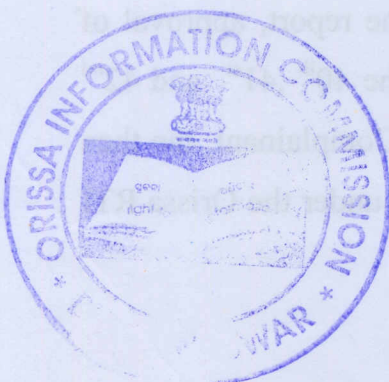


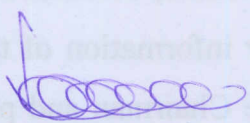
Hence he had sent the same by registered post on 21.05.2007 which was received on 25.05.07. Subsequently, the Administrative Officer, IED had requested the Complainant vide office letter no.070/2007-08 dated 19.06.2007 to provide copy of the original RTI application as the same was not traceable. He complied with the request on 21.06.07 being a staff in the same office.

3. An intimation regarding deposit of Rs.120/- towards cost of information had been sent to the Complainant vide letter no.076 dated 25.06.07.
4. Complainant alleged that he deposited the said amount on 12.07.2007, but prior to that, he was informed vide letter no.078 dated 26.06.09 to come and collect the information on 9.07.2007 which he did. He alleged a delay of 45 days from the date of submitting the RTI application. This, however, was not borne out by facts, as the form A application sent by registered post was received in the Public Authority on 25.05.2007 and the form B intimation is dated 25.06.07.
5. Hearing both the parties, the State Commission directed the PIO to refund Rs.120/- to the Complainant within 7 days from the receipt of these orders and report compliance of this order through the Registrar. With this observations, the State Commission decided to dispose of and close this case by condoning the delay of one day as no malafide was established with no orders on penalty. The PIO is exonerated.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 9th day of September, 2009.




SCIC
9.9.09