

**BEFORE THE ORISSA INFORMATION COMMISSION  
BHUBANESWAR**

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

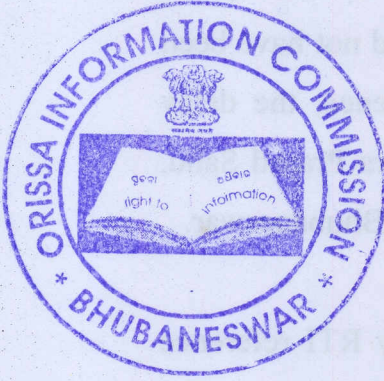
**Date: 21<sup>st</sup> August, 2009**

**Complaint Case No.140/2007**

Biranchi Narayan Das,  
S-1/118, Niladri Vihar,  
Bhubaneswar-751021.....Complainant

**-Vrs-**

Public Information Officer,  
Bhubaneswar Municipal Corporation,  
Bhubaneswar.....Opposite Party



**Decision**

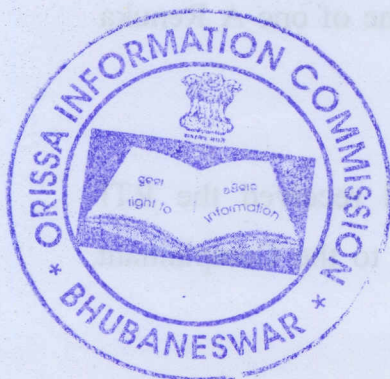
1. Complainant Biranchi Narayan Das is absent. The absence is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Pradipta Kumar Dash, Assistant Engineer and Recovery Officer (in charge) and Surendra Prasad Sahu, ex-Tax Daroga of Bhubaneswar Municipal Corporation, Bhubaneswar (BMC for short) are present. Heard. Perused the case record. This case arises out of complaint petition dated 12/02/07 and heard by the State Commission earlier on 07/11/07, 13/03/08, 18/07/08, 09/04/09 and 28/05/09.
2. It reveals from the record that Complainant had sought information in form A application dated 15/11/06 from the PIO, BMC on 8 items relating to mutation of holding no.12609 which stood in the name of one A Renuka Patra.
3. The PIO had mentioned on 07/11/07 that he had received the RTI application on 16/11/06 and supplied information to the Complainant

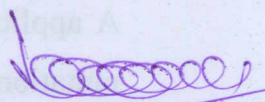
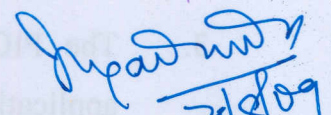
vide letter no. 3064 dated 24/02/07. He submitted that the information seeker wanted information regarding mutation of holding no.12609 in his favour. Since the holding in question was a BDA- developed property, it was only on receipt of a confirmation from the section concerned in the BDA as regards change of ownership, the same had been given effect to in the assessment register. Furthermore, the Complainant was aware of the ownership change as he deposited holding tax in his name for the 3 years viz.2005-06, 2006-07 and recently for 2007-08. This would not have been possible without mutation in the assessment register. Hence, the delay caused was circumstantial and that too at the level of Sura Prasad Sahu, Tax Daroga, Bhubaneswar Municipal Corporation,(BMC), Bhubaneswar.

4. Surendra Prasad Sahu stated that he has not received any RTI reference letter to provide the information. He considered the letter as a general letter and acted procedurally on the issue and he has no intention to withhold any information.
5. On being convinced , the State Commission exonerated Surendra Prasad Sahu and cautioned the PIO to act in accordance with the provisions of the RTI Act and Orissa RTI Rules framed thereunder and the case is disposed of accordingly. Inform the Complainant.

**Pronounced in open proceedings**

Given under the hand and seal of the State Commission, this 21<sup>st</sup> day of August, 2009.



  
**SCIC**  
21.8.09  
  
**SIC** 21/8/09

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