

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

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

Shri Jagadananda, SIC

Date: 10th September, 2009

Complaint Case No.966/2008

Lokanath Satapathy,
At-Ichapur,
PO-Gudialipadar,
Bhawanipatna,
Kalahandi district.....Complainant



-Vrs-

Public Information Officer,
Office of the Panchayat Samiti,
Bhawanipatna,
Kalahandi
district.....Opposite Party

Decision

1. Complainant Lokanath Satapathy was absent on call though he had filed hazira. Arjun Panigrahi, Cooperative Extension Officer-cum-PIO, Bhawanipatna Block, Kalahandi district is present. Heard. Perused the case record. This case arises out of complaint petition dated 08 /07/08 (received on 11/07/08).
2. The Complainant had filed form A application dated 21/02/08 (received on 23/02/08) seeking details of PDS rice and kerosene oil supplied in Gudialipadar Gram Panchayat and copy of the

voters list of the Gram Panchayat. On receipt of the form A application, Debendra Kumar Mohapatra, Marketing Inspector, Bhawanipatna Block was intimated by the PIO vide letter no.1541 dated 31/03/08 to furnish the information as the matter related to him. This reference by the PIO was very badly delayed. He should be careful in future. The Complainant was intimated to deposit Rs.90/- towards cost of information in the next memo of even date and information was furnished vide letter no.1696 dated 09/04/08 to the Complainant on deposit of the cost. Subsequently, on the personal approach of the Complainant, the PIO sent the information by registered post on 24/04/08 which was acknowledged by the Complainant on 01/05/08.

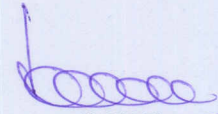
3. On a examination of the documents, it appeared that the PIO had failed to act within the time as per Section 7 (1) of the RTI Act, 2005 (Act for short). The application dated 21/02/08 was received on 23/02/08 (leap year) but the Complainant was intimated to deposit the cost of information on 31/03/08. There is apparently delay of six days beyond the maximum stipulated timeline of 30 days. The PIO was, therefore, directed to refund the cost of information immediately as it violated Section 7 (6) of the Act. As per the directions dated 20/06/09 of the State Commission, the PIO reported today to have refunded the money.
4. Being convinced that there was no malafide with the PIO-cum-Co-operative Extension Officer, Bhawanipatna Block, Kalahandi district and finding that the delay was circumstantial, the State Commission condoned the same, disposed of and closed the case

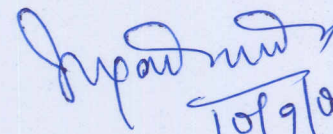
with no orders on penalty. The PIO was cautioned to be careful in future. Inform the Complainant.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 10th day of September, 2009.




SCIC
10-9-09


10/9/09
SIC