

BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR

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

Date: 9th April, 2009

Complaint Case No. 217 /2007



Satyanarayan Choudhury,
At/PO-Ladugaon,
PS-Koksara,
Kalahandi district.....Complainant

-Vrs-

Public Information Officer,
Office of the Civil Supplies Officer,
Bhawanipatna,
Kalahandi district.....Opposite Party

Decision

1. Complainant Satyanarayan Choudhury is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Priyadarshinee Malik, ex-PIO (currently Deputy Collector, Balasore Collectorate) and Krushna Chandra Mallik, PIO, Kalahandi Collectorate, Bhawanipatna are present. Heard. Perused the case record. This case arises out of complaint petition dated 03/01/07.

2. Complainant had filed two form A applications dated 11/08/06 before the PIO, Kalahandi Collectorate regarding procurement and sale of paddy. This case has earlier heard by the State Commission on 16/11/07, 01/05/08 and 24/07/08. The PIO had stated that she requested the APIO , office of the Civil Supplies Officer, Kalahandi, Bhawanipatna the same day to provide necessary information vide letter no.1122 dated 11/08/06 which was received by the latter on 14/08/06. He supplied the required information to the PIO, Kalahandi Collectorate vide letter no. 1391 dated 11/09/06.
3. On receipt of the information, the Complainant was intimated on 12/05/06 in form B by the PIO, Kalahandi Collectorate to deposit Rs.1918/- towards cost of information. He made the deposit on 10/10/06 and received all the information which he had sought in his two form A applications.
4. On an analysis of the datewise developments and movements of two RTI applications it is clear that when the ex-PIO sent information in form B to the Complainant to deposit the cost of information 30 days from the date of applications and their receipt by the PIO had already elapsed. Hence, the ex-PIO had no legal authority to demand any amount towards cost of information as the same violated provisions under Section 7 (6) of the RTI Act, 2005, even if the delay was by one day.
5. On 01/05/08, the State Commission had directed the PIO to refund the amount of Rs.1918/- to the Complainant within 10 days. In

obedience to the said direction, the refund was made to the Complainant on 26/05/08 under due acknowledgement.

6. In view of the above facts and circumstances of the case, the State Commission observed that there was delay of only one day indicating no malafide hence, the same was condoned. The ex-PIO was exonerated with no orders on penalty and the case disposed of and closed. Inform the Complainant.

Pronounced in open proceedings

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




SCIC
09.04.09


SIC 9/4/09

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