

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

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

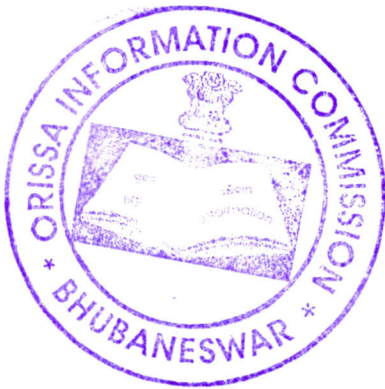
Date: 3rd February, 2009

Complaint Case No. 819/2007

Bikram Sen Dhala,
At-Kotar,
P.O.-Guridijhatia,
Cuttack districtComplainant

-Vrs-

1. Public Information Officer-cum-
Assistant Block Development Officer,
Athgarh Block
Cuttack-754028
2. First Appellate Authority,
Athgarh Block,
Cuttack-754029.....Opposite Parties



Decision

1. Both parties are absent on call. The absence of the Complainant Bikram Sen Dhala cannot be condoned this time under Rule 9(2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006 as he had been specifically noticed by speedpost from the State Commission to appear for hearing failing which, he had been informed, the case will be decided exparte on its merits. Perused the case records. This case arises out of complaint petition 21/08/07 and heard earlier on 18/04/08.
2. It reveals from the record that Complainant Bikram Sen Dhala had filed form A application dated 24/05/07 with the PIO, office of the Block Development Officer, Athgarh Block seeking certain information on the construction of the new PHC building of

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Guridijhatia, construction of CC Road of village Kolathapangi under GGY etc and the list of names of IAY beneficiaries. The PIO, after receipt of the application, informed the Complainant in letter no.1188 dated 30/05/07 to deposit Rs.3000/-towards the cost of providing information. As the Complainant did not respond to it, the PIO rejected the request under Rule 4 (3) of the Orissa RTI Rules, 2005. and communicated the same to the Complainant vide his letter no.1356 dated 25/06/07.

3. Being aggrieved the Complainant preferred first appeal before the Appropriate Authority on 06/06/07. Though the Complainant was summoned by the First Appellate Authority vide his letter no.1389 dated 04/04/07 to appear for hearing of the appeal and have his say in the matter, he was absent. So the appeal of the Complainant was heard on merits and the PIO was directed to provide the required information to the Complainant within 15 days from the date of the orders subject to deposit of required fees of Rs.198/-. The Complainant deposited the same on 21/07/07 and the information were supplied to him vide letters no.1478 and 1490 both dated 23/07/07, which were also personally received by the Complainant under acknowledgement.
4. However, after hearing the PIO, the State Commission had felt it expedient to hear the Complainant's version but he is absent today despite notice by the State Commission. It is presumed that he has received the required information and he has no further grievance in the case. As the initial response of the PIO in rejecting the application of the Complainant was within the maximum time limit of 30 days as indicated in the RTI Act, 2005, the PIO. Santosh Kumar Samantaray is

exonerated and the case is disposed of and closed. Inform the Complainant.

Pronounced in open proceedings

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




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3.2.09

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