

BEFORE THE ORISSA INFORMATION COMMISSION

BHUBANESWAR

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

Date: 18th July, 2008

Complaint Case No.03/2007



Isvar Kumar Samantaray
At/PO-Kudiary,
PS-Jatni,
Khurda District.....Complainant

-Vrs-

Public Information Officer,
Office of the Regulated Market Committee,
At/PO-Jatni,
Khurda District.....Opposite Party

Decision

1. Complainant Isvar Kumar Samantaray is absent but represented by his authorized representative Anand Kumar Samal. Narayana Satapathy, Advocate representing the Secretary, Regulated Market Committee (RMC for short) - cum-PIO, Jatni is present. Heard both parties and perused the case record.
2. This case was heard by the State Commission on five different dates i.e. 23/08/07, 30/08/07, 31/10/07, 12/02/08 and 11/03/08. The Complainant in form A application dated 22/11/06 addressed to the PIO, Directorate of Agricultural Marketing, Orissa, Bhubaneswar had sought information regarding procurement of paddy during 2005-06 by RMC, Jatni. The said PIO had transferred the form A application to the Secretary RMC, Jatni vide letter no.2582 dated 24/11/06.


3. The transferee PIO (Secretary RMC, Jatni) vide his letter no. 80 dated 12/12/06 sent an intimation in form B to the Complainant to deposit Rs. 714/- within 3 days towards cost of information. The Complainant raised legal objections to the said form B intimation by submitting that 15 days time is allowed to the information seeker to deposit the cost of information as per the provisions of Rule 4 (3) of the Orissa Right to Information Rules, 2005. The Complainant further stated that he did not deposit the cost as requested by the PIO since the intimation was violative of the Rules supra.
4. The State Commission upon hearing both the parties on 30/08/07 had observed that the PIO had violated the provisions of the Rules and accordingly directed him to allow the Complainant to inspect the relevant records, free of cost, and provide the information and report compliance to the State Commission.
5. In order dated 11/03/08 the State Commission had directed the learned Advocate for the Opposite Party to inform his client to provide the information, free of cost, by 26/03/08. The PIO in obedience to the said direction provided all information to the Complainant and intimated the said fact to the State Commission vide memo no. 199 dated 18/03/08.
6. Upon hearing the parties today it is found that no delay appears to have been caused at the level of the PIO, who had sent intimation in form B on 12/12/06 to the Complainant in response to his form A application received by him on transfer vide letter no. 2582 dated 24/11/06. The cause of delay is due to above discussed flaw pointed out by the Complainant asking him to deposit the cost within 3 days when the Rule 4(3) of the Orissa RTI Rules, 2005 provides a time period of 15 days from the receipt of the form B intimation. The PIO should have

conducted himself as per the prescribed Rules. He was wrong in arbitrarily fixing 03 days for deposit of the cost of information. The PIO is hereby cautioned to be careful so that such illegality are avoided in future.

7. Since as per the directions dated 11/03/08 the Complainant has received all information through speedpost vide letter no. 198 dated 18/03/08, there is no further need to prolong this case which is hereby disposed of and closed.

Pronounced in open Proceedings.

Given under the hand and seal of the State Commission, this 18th day of July, 2008.


SCIC
18-7-08

