

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

**Present:- Hon'ble Shri D.N. Padhi, SCIC
And
Prof, Radhamohan, SIC**

Dated: - 25 April 2007

Second Appeal No 105/2006 And Complaint Case No 85/2006



Shri N.C Mohanty,
Public Information Officer
cum-Joint Manager (Law)
Orissa Small Industries Corporation Ltd,
Khapuria
Cuttack.....Appellant

-Vrs-

Shri Surya Narayan Sahoo,
Managing Director,
Sri Durga Cables Pvt. Ltd,
28, New Industrial Estate,
Jagatpur,
Cuttack.....Respondent

Decision

1. For convenience the two cases are taken up together with the consent of both the parties. In respect of Second Appeal No.105/2006, Shri Nrusingha Charan Mohanty, Joint Manager (Law) and PIO, OSIC, Cuttack is the Appellant and Shri S N Sahoo one of the Respondents. In respect of Complainant Case No 85/2006, Shri S.N. Sahoo, Managing Director, Sri Durga, Cable Pvt Ltd and the PIO, Shri N.C. Mohanty representing, OSIC Ltd are present. Heard both sides. Perused the case record. These cases were last heard on 20/02/07 when the State

Commission after perusing the compliance report no.88/OSIC dated 06/02/07 had observed that reasonable and diligent steps had been taken by Shri H K Sharma, IAS, M.D. OSIC to implement the earlier direction dated 31/01/07.

2. Shri S.N. Sahoo submits that the copy of the Agreement executed between him and OSIC Ltd against bank guarantees No.46 and No.55 during 1997 and 1999 have not been supplied to him as yet.
3. The PIO Shri N C Mohanty submitted in reply that the above information related subject is not dealt with by him but after receiving the orders of the State Commission he took the assistance of the concerned Section and found that no such Agreement has been executed by the parties. Accordingly he informed on 30/05/06 vide letter no.OSIC/04-01-07-017/3306 Shri S N Sahoo (seeker of the information) of the position. While communicating the above to Shri Sahoo he had enclosed the reply of the concerned Section dealing with the information subject.
4. If no Agreement has been executed as per the information collected by the PIO from the concerned Section of the Public Authority, he may very clearly indicate the same by sending a clarificatory letter. He is to clearly mention there in that since so such Agreement had been executed the question of supply of the copy thereof does not arise. PIO, Shri Mohanty assures the State Commission that he will send the clarificatory letter during the course of the day to Shri S N Sahoo. This suggestion found acceptance with the Complainant.
5. Now coming to the issue of delay. The State Commission examined the case record and found that the PIO has taken very prompt, reasonable and diligent action in attending to the RTI application of Shri S N Sahoo and

has also complied with the order of the State Commission with due despatch.

6. In view of the foregoing discussion both the above cases are closed and the PIO is exonerated. The petition filed by Shri S N Sahoo on 31/01/07 claiming damages from the Public Authority is found to be devoid of any merit in view the above discussed factual position. No orders thereof.
7. In so far as Second Appeal No 105/2006 is concerned, the matter has become functus officio in view of Shri Mohanty, PIO complying with the orders of Shri S K Satpathy, General Manager. Indeed, Shri Mohanty, PIO had appealed against the order of his own senior, who is the First Appellate Authority.

Pronounced

Given under the hand and seal of the State Commission, this the 25th day of April, 2007.



Hon'ble SCIC

25-4-07

N. Mohanty

SIC

Pushpa