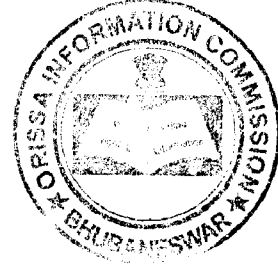


**BEFORE THE ORRISA INFORMATION COMMISSION
BHUBANESWAR**

Present:- :- Prof. Radhamohan, SIC

Dated:- 19th September, 2006

Complaint Case No.118 of 2006



Sri Hemanta Kumar Panda,
At/PO-Jaipatna (Pradhanipada)
Kalahandi District.....Complainant

-Vrs-

Sri Laxman Jena,
Assistant Engineer
Cum-Public Information Officer,
Rural Work Division,
Bhawanipatna.
Kalahandi District.....Opposite Parties

Decision

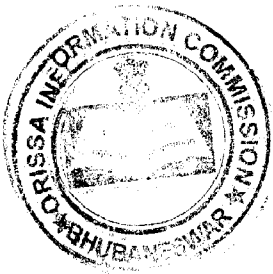
1. The Complainant is absent. The Assistant Engineer, Rural Works Division, Bhawanipatna –cum- PIO is present. Perused the complaint petition filed by Sri Panda. Absence of the Complainant will give no adverse effect so far as the merits of the case since he has statutory option to exercise either to remain present or absent during hearing.
2. It reveals from the complaint petition dated 26.06.06 that the PIO in toto has supplied 393 pages of information and took Rs. 5/- per page from the Complainant towards the cost for providing information. The Complainant has deposited an amount of Rs. 1965/- which appears to be in conformity as per the prescribed rate prevalent prior to the revised notification dated 29.05.2006. The PIO submits that information was supplied on 26.05.2006 and by that time the notification revising the rate of fees had not come into operation as the said notification was notified in the Gazette on 30.05.2006. The complaint petition is silent as to the date on which the information in 393 pages were supplied to the Complainant. The PIO only submits orally to have supplied the information on 26.05.2006 . If the date

given by the PIO is found to be correct, then he is justified in demanding Rs. 5/- per page, but he has to prove to the satisfaction of the Commission that he has supplied the information on 26.05.2006. On being asked, the PIO submits not to have brought the related file which would indicate the date of supply of information to the Complainant. The PIO has undertaken to report compliance within 7 days by sending the copy of the receipt executed by the Complainant on 26.05.2006 in lieu of acceptance of the information from the PIO. The PIO is therefore directed to report compliance within 7 days.

3. Another pertinent issue is raised by the Complainant in his complaint petition. The Complainant alleges that the PIO charged Rs.1800/- towards his (P.I.O.) Inspection charges for a period of 120 hours for searching the above information. The above amount taken by the PIO is improper and not permitted within the legal parameters of the R.T.I. Act, 2005. The PIO is to search out for the information and to provide the same to the Complainant in due discharge of his statutory obligation. For that, he cannot demand money and that too Rs.1800/- as has been done in this case.
4. The PIO is hereby directed to refund the amount of Rs.1800/- to the Complainant which was taken on the above score and report compliance to the State Commission alongwith the compliance report called for on the above issue.
5. With the aforementioned observation and direction to the PIO the case of the Complainant is disposed of. The Complainant be informed that no sooner he gets back Rs.1800/- from the PIO let him inform the State Commission without least delay.

Pronounced

Given under the hand and seal of the state Commission, this the 19th day of September, 2006.



Narhaman

SIC