

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

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

Date: 30th August 2007

Complaint Case No. 15/2007

Sri Prakash Chandra Baliarsingh Mohapatra,
Vill-Durgeswar-752120,
PO-Baharana,
Via-Nuapalam hat,
Puri District.....Complainant

-Vrs-

Public Information Officer,
Department of Water Resources,
Rajeev Bhawan,
Secretariat, Orissa.....Opposite Party



Decision

1. Complainant Sri Prakash Chandra Baliarsingh Mohapatra is absent. His absence, however, will not adversely affect the merits of his case in view of Rule 9(2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Sri Ramakanta Nath, Joint Secretary-cum-PIO, Water Resources Department, Government of Orissa, Bhubaneswar is present. Heard. Perused the case record.
2. Complainant had sought for information in form A application dated 13.12.06 from the PIO, Water Resources Department relating to Land Acquisition Notification No. 25160 dated 12.05.1967
3. In response thereto the PIO rejected the request on the ground that the matter related to a period beyond that twenty years and intimated him accordingly vide letter no 39265 dated 20.12.06.

4. The Complainant then moved the State Commission in a complaint petition under Section 18 of the RTI Act, 2005. (Act for short)
5. The PIO mentioned that after receiving the summons of the State Commission he supplied by post the required information to the Complainant vide letter no. 27391 dated 27/8/07.
6. During hearing it transpired that the PIO was under the wrong notion/impression that information relating to 20 years back or more need not be supplied. It was clarified to him that the provision of the Act is just the opposite vide proviso to Section 8(3) whereby even certain items of 'exempt' categories are to be provided. Nonetheless, as the rejection letter was issued within 30 days there is no liability in term of any penalty. It was noticed during hearing that the required information has subsequently been given vide letter no 27391 dt 27/8/07.
7. In view of the genuine doubt entertained by the PIO in good faith he is exonerated from any penalty. The case is, therefore, closed and disposed of.

Pronounced

Given under the hand and seal of the State Commission, this the 30th day of August 2007.


Hon'ble SCIC

30.8.07