

**BEFORE THE ORISSA INFORMATION COMMISSION**

**BHUBANESWAR**

**Present: Shri Jagadananda, SIC**

**Date: 05th December, 2008**

**Complaint Case No. 105 / 2008**



Biswajit Mohanty,  
C/o-B, Mohanty & Co. Chartered Accountants,  
Link Road,  
Cuttack-753012.....Complainant

**-Vrs-**

Public Information Officer,  
Forest and Environment Department,  
Government of Orissa,  
Secretariat,  
Bhubaneswar.....Opposite Party

**Decision**

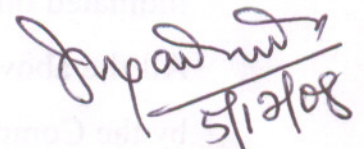
1. Complainant Biswajit Mohanty is present. Gajendra Behera, Under Secretary-cum-PIO and Bidyadhar Behera, Section Officer-cum-APIO both from Forest and Environment Department (Department for short) are also present. Heard. Perused the case record.
2. The Complainant stated that he has filed form A application on 28/11/07 before the PIO of the Department seeking inspection of 11 (eleven) files. The PIO states that on requisition by the PIO, the various sections of the Public Authority made available 10 (ten) files and the Complainant was intimated on 29/12/07 by giving a date and time to inspect the said files. All the above files available at the Public Authority have been inspected by the Complainant on 08/01/08 except file no. IF(A) 19/07. The said file has been noted to be on intransit to the government through the Chief

Secretary, Orissa for which they could not allow inspection there of. The PIO states that as soon as the file will be available in the Department, he will ensure inspection of the same by the Complainant. The chronological date chart was produced by the PIO which is perused and taken to record.

3. On close examination of chronological date chart, it appears that there has been delay in the case the information which is violative of the provision of the Section 7(1) of the RTI Act, 2005.
4. The Complainant also pointed out that since 10 (ten) files were available in the department inspection thereof could have been completed within the stipulated time line of 30 days. The PIO clarified that the documents sought for pertain to 5 (five) different units and he had acted diligently to procure the documents and responded to request the Complainant as a facilitator in good faith and his Commissions are not actuated by any malice.
5. On perusal of records, the State Commission is of the opinion that no malafide appears in this case. The case is therefore closed on the consent of both the parties subject to compliance of the above assurance given by the PIO.

**Pronounced in open proceedings.**

Given under the hand and seal of the State Commission, this 05th day of December, 2008.

  
5/12/08

**SIC**