

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

Present: Shri Jagadananda, SIC

Date: 11th December, 2008

Complaint Case No. 146/2008

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



-Vrs-

Public Information Officer,
Jharsuguda Collectorate,
Jharsuguda district.....Opposite Party

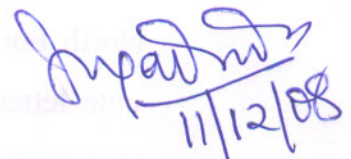
Decision

1. Complainant Biswajit Mohanty is present. The PIO, office of the Jharsuguda Collectorate is absent. Himanshu Kumar Mohapatra, Project Director (R & R) , duly authorized by the Collector, Jharsuguda is present and files show cause on behalf of the PIO. Heard. Perused the case record.
2. It reveals from the record as well as submissions of the parties that the Complainant had sent application in form A on 11/10/07 by post to the PIO, Revenue and Disaster Management Department, Government of Orissa, Bhubaneswar. As the information sought for were related to Revenue records of forest lands the PIO transferred the said application to the PIOs of all the District Magistrates and Collectors of Orissa.
3. The Project Director representating the PIO pointed out that they had received the application on 15/10/07. The assistance of DFO, Sambalpur North Forest Division, Tahasildar, Jharsuguda and Lakhanpur was sought vide letter no.86787 dated 17/10/07 to provide required information. The Complainant was informed to deposit the cost of information vide letter no.9524 dated 16/11/07 and information were furnished to him on 29/11/07.

4. The Complainant informs the State Commission that he had received some information on 10/12/07 from the referred PIO of Jharsuguda, which is incomplete and not in accordance with his record indicated at item nos.3 and 4 of his form A application.
5. The PIO in his written showcause has clarified that all the available information have been furnished and the information in respect of item nos. 3 and 4 supra when not available in their Public Authority, the supply of information cannot be legally said to be incomplete.
6. After hearing both the parties, the Commission is of the opinion that the information need has been duly complied by the opposite parties and there also appears reasonable cause for non-supply of some information as discussed supra. However, the State Commission has observed that the cost of information has been collected by the PIO beyond the time stipulated under Section 7 (1) of the RTI Act,2005 which the PIO shall have to refund to the Complainant without least delay as mandated under Section 7 (3) of the Act supra. The PIO is directed to do as above and inform the State Commission about his compliance.
7. Hence, case is disposed of and closed subject to the compliance of the above by the PIO, OP.

Pronounced in open proceedings.

Given under the hand and seal of the State Commission, this 11th day of December, 2008.


11/12/08
SIC

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