

**BEFORE THE ORISSA INFORMATION COMMISSION**

**BHUBANESWAR**

**Present: Shri Jagadananda, SIC**

**Date: 12th December, 2008**

**Complaint Case No. 1688 / 2007**



Debiprasad Mohanty,  
At-Jaganathpur,  
PO-Tiran,  
PS-Tirtol,  
Jagatsinghpur District.....Complainant

**-Vrs-**

1. Public Information Officer,  
Office of the Executive Engineer,  
Drainage Division,  
Bhubaneswar.
2. First Appellate Authority,  
Office of the Executive Engineer,  
Drainage Division,  
Bhubaneswar.....Opposite Parties

**Decision**

1. Complainant Debiprasad Mohanty is absent. His absence is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Devendranath Pradhan, PIO is present. Heard, Perused the case records.
2. Complainant had filed the form A application on 04/10/07 before the PIO seeking information on four items of information relating to

excavation of river Daya and issues connected thereto. As the Complainant did not receive any response from the PIO within the stipulated time, he preferred this complaint before the State Commission on 08/11/07. This case was earlier heard on 11/09/08.

3. The PIO had submitted on 11/09/08 that he intimated the Complainant to deposit Rs.5/- per page toward cost of supplying information on 07/11/07 as per the prevailing Rules. Complainant pointed out the rate has been revised to Rs.2/- per page and accordingly he had deposited a sum of Rs.1004/- and received the information.
4. During the course of that hearing the State Commission observed that information have been supplied to the Complainant beyond the stipulated time for which the PIO shall have to refund the sum of Rs.1004/- which he had received from the Complainant towards cost of information such a legal situation has been envisaged in Section 7(6) of the RTI Act, 2005.
5. The PIO mentioned today that as per the direction of the State Commission he intimated the Complainant vide letter no.2099 dated 18/10/08 and subsequently issued reminder vide letter no.2386 dated 18/11/08 to receive the amount of Rs.1004/- But as yet the Complainant did not come to receive the same. Hence the PIO is directed to refund the cost ~~by~~ sending money order to the Complainant without deducting any Commission and report compliance to the State Commission.

6. With regard to the delay of 2 days a showcause notice was served on the PIO. On perusal of showcause response, it is observed that the information sought relate to the Assistant Engineer, Drainage Sub-Division-IV whose assistance was needed by the PIO.
7. However, it is found that the Assistant Engineer of the said Division was on leave from 09/10/07 to 29/10/07 and as such the delay of two days was caused which is not actuated by any malice. Accordingly the PIO is exonerated and the case is disposed of and closed, subject to the compliance indicated in paragraph 5 supra.

**Pronounced in open proceedings.**

Given under the hand and seal of the State Commission, this 12th day of December, 2008.



*Jyoti Prasad*  
12/12/08  
**SIC**