

BEFORE THE ORISSA INFORMATION COMMISSION

BHUBANESWAR

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

and

Shri Jagadananda, SIC

Date: 25<sup>th</sup> November, 2008

Complaint Case No. 181/2007



Sandhyarani Pani,

Advocate,

W/o-Sri B.K.Panda,

Hill Patna-3<sup>rd</sup> Lane,

Berhampur-760005,

Ganjam District ..... Complainant

-Vrs-

Public Information Officer,

Office of the Superintendent of Police,

Berhampur,

Ganjam District ..... Opposite Party

Decision


1. Complainant Sandhyarani Pani is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. However, her presence would have been helpful to the State Commission. Surendra Behera, PIO and Bigyan Bhusan Ray, ex-PIO, office of the Superintendent of Police, Berhampur, Ganjam district are also present. Heard. Perused the case record. This matter arises out of petition dated 1902/07.
2. Complainant had sought information in form A application dated 28/11/06 from the PIO, office of the Superintendent of Police, Berhampur on 15 items relating to an FIR submitted in the Mahila Police Station in December, 2003. The information request is affixed to the form A application. The ex-PIO

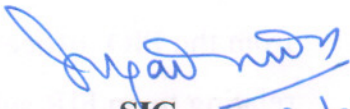
stated that he received the application on 01/12/06 (not 05/12/06 as indicated by the PIO on 29/07/08) and supplied the information to the Complainant vide letter no.123 dated 08/01/07. Admittedly, it is after the lapse of 30 days, which is the maximum time limit under Section 7(1) the RTI Act, 2005.

3. The case was last heard on 29/07/08. The State Commission while according an opportunity to the Complainant to have her say directed the PIO to explain the delay of 7 days. The Complainant is absent presumably she has received all the information. As regards delay, ex-PIO, Bigyan Bhusan Ray stated that during that period his substantive posting was DSP (Town) and due to law and order situation in Berhampur town and the Berhampur University area, he could not attend to the application in due time and thereby delay of 7 days occurred. He submitted that he had no malafide intention in causing delay in providing the information
4. In view of the above explanation, which is acceptable, the ex-PIO Bigyan Bhusan Ray is exonerated and the case is disposed of and closed. Inform the Complainant.

**Pronounced in open proceedings.**

Given under the hand and seal of the State Commission, this 25<sup>th</sup> day of November, 2008.

  
SCIC  
25-11-08

  
SIC  
25/11/08