

**BEFORE THE ORISSA INFORMATION COMMISSION  
BHUBANESWAR**

**Present:.. Hon'ble Shri D.N. Padhi, SCIC  
and  
Prof. Radhamohan, SIC**

**Date 05<sup>th</sup> December, 2006**

**Second Appeal No. 116 / 2006**

Sri Raj Kishore Debta  
Ward No. - 6,  
Vill / PO - Kuchinda,  
Rajdhani Pada,  
Sambalpur District.....Appellant

**-Vrs-**

- 1 Additional Tahsildar  
cum - Public Information Officer,  
Office of the Tahsildar, Kuchinda,  
Sambalpur District
- 2 Tahsildar  
cum - 1<sup>st</sup> Appellate Authority,  
Kuchinda,  
Sambalpur District.....Respondents

**Decision**

- 1 The Appellant and the PIO (Respondent) are present. The 1<sup>st</sup> Appellate Authority is absent on repeated calls. Heard both sides. Perused the record.
- 2 It is noted from the record that the required information have been supplied to the Appellant by Tahsildar, Kuchinda (1<sup>st</sup> Appellate



Authority) in his letter dated 04/12/06, under intimation to the State Commission vide his memo No.4239 dated 04/12/06.

- 3 The facts are that the Appellant submitted his application dated 08/06/06 in form A to the PIO. But it was rejected by him on 29/06/06 stating that disclosure of the information sought for are exempted under Sections 8 and 9 of the RTI Act, 2005 (Act for short) and also that the application was incomplete.
- 4 The Appellant filed 1<sup>st</sup> Appeal before Tahsildar, Kuchinda on 19/07/06 challenging the legality and the propriety of the above order of the PIO dated 29/06/06. The 1<sup>st</sup> Appellate Authority while deciding the appeal was also of the similar view that the information have been exempted under Sections 8 and 9 of the Act. On a close look at the information sought for by the Appellant it is found that they do not come within any of the exemptions granted under the Act. However, in the meantime, the 1<sup>st</sup> Appellate Authority after receipt of the Second Appeal notice has provided all the information to the Appellant, free of cost, which is consistent with the codified mandates of the Act.
- 5 For the reasons aforesaid both the orders of the PIO and 1<sup>st</sup> Appellate Authority are unsustainable in law and hence set aside and the appeal is allowed.



*[Handwritten signature]*

- 6 However, considering that the information have been provided to the Appellant free of cost on 04/12/06, the State Commission directs both the forums below to be very careful in future in interpreting the law in its true perspective and implement the provisions in letter and spirit.
  
- 7 The State Commission disapproves the conduct exhibited by the 1<sup>st</sup> Appellate Authority who is absent today inspite of lawful notices sent to him. The 1<sup>st</sup> Appellate Authority is hereby cautioned not to exhibit such dereliction in duty in future which will attract stern action against him by pressing into service the provisions of Section 20 (2) of the Act.

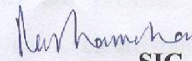
**Pronounced**

Given under the hand and seal of the State Commission, this 05<sup>th</sup> day of December, 2006.



  
**Hon'ble SCIC**

5-12-06

  
**SIC**

Rashmi  
05/12/06