

**ODISHA INFORMATION COMMISSION
BHUBANESWAR**

**Present : Shri Sunil Kumar Misra,
State Chief Information Commissioner**

Date 10th October, 2018

Second Appeal No.2076/2016

Rabindra Pradhan,
C/o-Media Bajnanda,
Ananta Nagar, 7th Lane,
Berhampur-760005,
District-Ganjam.....Appellant

-Vrs-

1. Public Information Officer,
Office of the Executive Engineer,
Harabhangi Irrigation Division, Adava,
District-Gajapati.
2. First Appellate Authority,
Office of the Executive Engineer,
Harabhangi Irrigation Division, Adava,
District-Gajapati.....Respondents

Decision

1. Appellant, Rabindra Pradhan, is not present. Purna Chandra Panigrahi, PIO-cum-Assistant Engineer, Office of the Executive Engineer, Harabhangi Irrigation Division, Adava, District Gajapati is present.

2. Vide an application in Form-A dated 25.03.2016 submitted before the PIO, Office of the Executive Engineer, Harabhangi Irrigation Division, District Gajapati, the appellant had requested the PIO to provide him certain information viz. relating to works carried out in the Division since 01.03.2014 through Sub-divisional tenders; details of works executed in the Sub-divisions from 01.03.2014 onwards through tenders, e-tenders etc.; list of F2 works valued at Rs.5.00 lakh each; list of the license-holders; list of works awarded to the Pani Panchayats during the specified period etc. The required information

had been listed out in the application in Form-A vide 2 points and several sub-points.

3. The appellant followed up his application by filing first appeal vide an appeal memo in Form-D dated 11.05.2016. After the first appeal was filed, the PIO sent a letter dated 26.07.2016 to the appellant requiring him to make a deposit of Rs.2308/- towards cost of information. The PIO informed the appellant that vide an earlier letter dated 16.04.2016 too, he had been requested to make the above deposit; and as he had not complied with the same, his earlier application had been rejected. Even while intimating as above, the PIO also sent an even-dated letter to the PIO, Office of the Superintending Engineer, Southern Irrigation Circle-II, Paralakhemundi, Gajapati seeking clarification if any amendment had been made to the RTI Act to provide information to persons belonging to the BPL category free of cost. It appears that the office of the Superintending Engineer, Southern Irrigation Circle No.II, Paralakhemundi forwarded the PIO's letter to the office of the Chief Engineer and Basin Manager, R.V.N. Basin, Berhampur. The said office in turn informed the PIO, office of the Executive Engineer, Harabhangi Irrigation Division vide letter dated 08.08.2016 that his office had no information whether or not applicants belonging to the BPL category could be given information free of cost. After getting the above clarification from the Head Office, the First Appellate Authority sent a letter dated 19.08.2016 to the appellant informing that not only that the office had no information / clarification regarding furnishing of information free of cost to applicants having BPL cards, the office also did not have any specific fund for the purpose. He advised the appellant to come to the office, peruse the information and write the same in his own notebook.

3.1 Aggrieved, the appellant filed the subject second appeal vide an appeal memo in Form-E dated 08.09.2016 alleging non-supply of information.

