

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**



Present: Shri Jagadananda, SIC

Date: 14th January, 2009

Complaint Case No. 722 / 2007

Ramesh Chandr Pani,
43, VIP Colony,
IRC Village,
Bhubaneswar-751015.....Complainant

-Vrs-

Public Information Officer,
office of the Bhubaneswar Development Authority,
Bhubaneswar... ..Opposite Party

Decision

1. Complainant Ramesh Chandra Pani is absent. His absence is not condonable under Rule 9(2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006 since he was directed to appear today in person vide order dated 27/11/08. Subas Chandra Sahu, Enforcement Officer-II-cum-PIO, Bhubaneswar Development Authority (BDA for short) is present. Heard. Perused the case record.
2. This case was earlier heard on 26.06.08, 09.09.08 and 27.11.08. The Complainant had submitted form A application on 05.07.06. He had sought for the copies of some documents of UAP case no.286/92. He had also expressed his desire to inspect the concerned file. The PIO had stated before the State Commission on 26/06/08 that the related file could not be traced in the Public Authority. The State Commission had directed him to reconstruct the said file with the necessary assistance of the Complainant and provide

the information to him. The PIO stated that he did not get any cooperation from the Complainant. After hearing both the parties the State Commission had appointed the Vice-Chairman, BDA (VC for short) as an authorized officer to enquire into the matter under Rule 7(1)(c) of the Orissa Information Commission (Appeal Procedure) Rules, 2006.

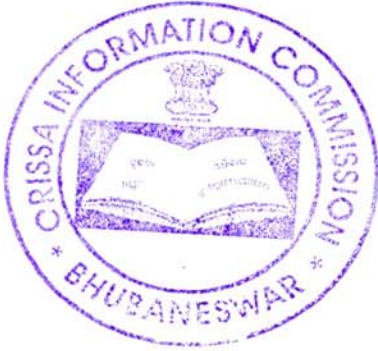
3. It reveals from the Enquiry Report of the V.C that the said case record in UAP case no. 286 /92 which was not traced was inadvertently tagged to another case record no.623 /2005 for which the Enforcement Section could not provide the information to the Complainant on time and the delay was caused under the above unavoidable circumstances. In the meantime all relevant information have been supplied to the Complainant.

4. PIO present today also states that all the required information consisting of 39 pages of the required case record were furnished to the Complainant on 04/10/08 through a Special Messenger. On perusal of the record enquiry report of the VC and hearing the submission of the PIO the State Commission while accepting the enquiry report of the VC is of the conclusion that due to improper record management system, the PIO had failed to furnish the information within the time specified under Section 7(1) of the RTI Act, 2005 and the delay is due to such lapses but it cannot be exclusively attributed to either the PIO or any other individual of the Public Authority. However, the State Commission direct the head of the Public Authority i.e. V.C, BDA to streamline the Record Management System without least delay and submit an action taken report within two weeks from the date of receipt of this order.

5. Subject to compliance of the above the case is disposed and closed. A copy of this order be communicated to VC, BDA for his information and necessary action. Inform the Complainant.

Pronounced in open proceedings.

Given under the hand and seal of the State Commission, this 14th day of January, 2009.



[Handwritten signature]
14/1/09
SIC