

**BEFORE THE ORISSA INFORMATION COMMISSION  
BHUBANESWAR**

Present.: **Hon'ble Shri D.N. Padhi, S.C.I.C**  
and  
**Prof. Radhamohan, S.I.C**

Dated. 23<sup>rd</sup> May 2006

**Complaint Case No.25/2006**



Sri Lingaraj Hati  
86, Jagannath Vihar,  
Bhubaneswar-3.....Complaint

**-Vrs-**

1. Public Information Officer,  
Office of the Executive Engineer
2. Sri Chitaranjan Parija  
First Appellate Authority  
Executive Enginner,  
Rangali Right Canal Division, No.-IV  
Gudia Katani,  
P.O.- Hindof Road, Denkanal,.....Opposite Parties

**Decision**

- 1) The Complainant is present. The Public Information Officer and 1<sup>st</sup> Appellate Authority are also present in person.
- 2) Heard both the parties to their satisfaction.
- 3) The case in question was filed by Sri Lingaraj Hati on 13.12.2005 before the State Commission u/S 19(3) of the R.T.I. Act (herein after described as the 'Act' in short). During scrutiny it could be found that no decision has been given by the 1<sup>st</sup> Appellate Authority. Thus the dispute was registered as a complaint on 27.04.2006 u/s 18(1) (c) of the Act.
- 4) Shorn of irrelevant details the Complainant submitted that he sought for the information relating to the Measurement Book of the work of Rengali Right Canal Division No.IV, Gudiakateni from the P.I.O. but the later refused to provide the same to him. He approached the 1<sup>st</sup> Appellate Authority who also paid a deaf ear to his request. Thus the Complainant has approached the State Commission.

5) The PIO took the stand to have intimated the Complainant to deposit an amount of Rs.287/- for supply of information on 7.11.2005. The Complainant challenged the said fees assessment as exorbitant and moved the 1<sup>st</sup> Appellate Authority for redress on 24.11.2005. The prescribed period for disposal of the 1<sup>st</sup> Appeal having expired, the Complainant moved the State Commission for redress.

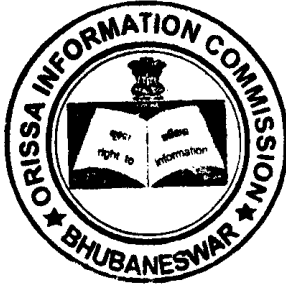
6) It was contended by the 1<sup>st</sup> Appellate Authority that the Right to Information Act, 2005 came into operation recently for which such unintentional lapses have occurred. He assured the Commission that no such defects shall be noticed in future. Once the Central statute became operative it is presumed that all concerned have due notice thereof. A plea of ignorance of law advanced is untenable. However considering assurance given by the 1<sup>st</sup> Appellate Authority, the State Commission feel it just and equitable to provide an opportunity to the Public Information Officer and the 1<sup>st</sup> Appellate Authority by way of correction and reformation.

7) The totality of the above discussed circumstances establishes the fact that the Complainant has not received the information sought for by him from the PIO concerned. However, the PIO and the 1<sup>st</sup> Appellate Authority sought for permission of the State Commission to provide the information to the Complainant in the shape of certified true copy at once. On being permitted they handed over the authenticated copy of the required information to the Complainant who received the same in presence of the State Commission.

8) In the above facts and circumstances of the case the prayer of the Complainant is allowed and the case is disposed of.

Pronounced

Given under the hand and seal of the State Commission, this 23<sup>rd</sup> day of May 2006.



(D.N. Padhi)  
Hon'ble S.C.I.C

23.5.06

(Prof. Radhamohan)  
S.I.C