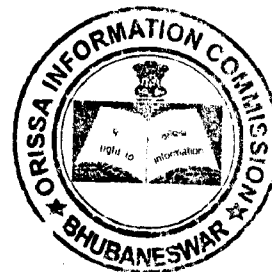


BEFORE THE ORISSA INFORMATION COMMISSION  
BHUBANESWAR

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

8<sup>th</sup> August, 2006

Complaint Case No- 63/2006




Sri Baba Nath Panda,  
EWS-2, Stage-2,  
Nilakantha Nagar,  
Housing Board,  
Berhampur-2,  
Ganjam District.....Complainant

Vrs

Public Information Officer,  
Office of the Commissioner-cum-Secretary,  
Industry Department,  
Govt. of Orissa, Secretariat,  
Bhubaneswar.....Opposite Party


**Decision**

1. Both the parties are present. Heard them in detail. This case was earlier heard on 27/07/06 in presence of both the parties when the Complainant submitted to have filed his application u/S 6 of the Right to Information Act, 2005(Act for short) before the Public Information Officer (Opposite Party) on 08/04/06. He could not produce any authentic document to substantiate his above stand. The Public Information Officer (Opposite Party) in reply stated on that day that he had not received any such application but at the same time he undertook to search for the application, if any, in his office and take necessary action. However, to avoid delay the Public Information

  
8.8.06

Officer (Opposite Party) was directed by the State Commission to receive a copy of the said application from the case record, so as to facilitate early supply of information, if any. The case was then posted to today i.e. 08/08/06 for further hearing.

2. It is seen from the submissions of the Public Information Officer and also from the record that the Public Information Officer on 22/05/06 has intimated the Complainant interalia that as the application u/S 6 of the Act was not complete in all respects it is not possible on his part to provide any information to the Complainant and if aggrieved, may approach the 1<sup>st</sup> Appellate Authority.
3. After hearing the above submissions of the Public Information Officer (Opposite Party), the Complainant was asked to prove about the date of submission of his application u/s 6 of the Act. Except submitting orally to have filed the said application on 08/04/06, the Complainant could not support his stand by filing any acceptable document. The date of submission of application u/S 6 of the Act has a positive relevance to compute the period of 30 (thirty) days as required u/S 7(1) of the Act. The Complainant having failed to substantiate that date it is not possible say if the reply by the Public Information Officer (Opposite Party) dated 22/05/06 is violative of any of the provisions of the Act. Legally the date of <sup>filing</sup> ~~filling~~ i.e. 08/04/06 cannot be assumed or presumed which if done is bound to be adversely commented to be based on surmises and conjectures.
4. On perusal of the contents of the Complainant's petition, the State Commission is of the view that the information needed by the Complainant have been described is vague and non-specific language. Hence the Complainant, if he still desires to have the

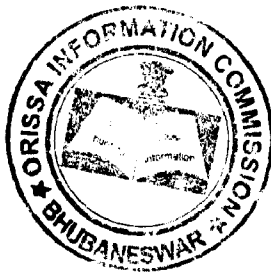
  
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information, may submit fresh application u/s 6 of the Act indicating in clear and unambiguous words the information needed by him, before the Public Information Officer (Opposite Party) who on receipt thereof shall deal with the same in accordance with the provisions of the Act.

5. With the above observation the complaint case is dismissed.

**Pronounced**

Given under the hand and seal of the State Commission, this 8<sup>th</sup> day of August, 2006.



Hon'ble S.I.C

8. 8-06

*Signature*  
S.I.C