



**Before the State Information Commission, Kerala
Thiruvananthapuram-695 039.**

Tel:0471 2335199, Fax: 0471 2330920

Email:sic@infokerala.org.in

Complaint No.183/2006/SIC

File No.2528/SIC-Gen2/07

30.07.2007

Retnakaran. K.
Kannoly House
Kakkody Mukku, Kakkody P.O.
Kozhikode.

Vs

Public Information Officer
Commercial Taxes
Ernakulam.



Petitioner



Respondent

ORDER

The Complainant approached the Commission with a complaint on 09.08.2006. The facts leading to the complaint can be summarized up like this.

The Complainant filed an application for information before the Respondent on 24.05.2006. Since he did not get any reply even after 74 days, he chose to approach the Commission.

The Commission examined the complaint and the report of the Respondent. The information was seen furnished on 12.09.2006. The Commission found that there was delay in furnishing the information. Therefore the Commission decided to summon the Respondent - PIO hearing was conducted on 28.05.2007. Shri. P.G. Sasidharan, PIO &

Deputy Commissioner, Commercial Taxes, Ernakulam was present. He submitted that two PIOs had handled the case prior to him. They are Smt. Rahmatunnisa Begum and Sri. J. Julius Smith. He was asked to file an affidavit with the correct postal addresses of the two earlier PIOs.

Consequently the Commission decided to summon all the three PIOs. The hearing was fixed on 19.07.2007. J. Julius Smith, acting PIO from 08.06.2006 to 09.07.2006 and P.G. Sasidharan were present. J. Rahmathunnisa requested for postponement. Those who were present were heard in detail. Mr. Julius Smith pleaded that he was not informed of the request and anytime - and that he was holding additional charge of the post of Deputy Commissioner, Ernakulam from 12.06.2006 to 10.07.2006. He has submitted an affidavit to that effect.

Shri. P.G. Sasidharan submitted that he took charge of the post of Deputy Commissioner, Ernakulam on 10.07.2006. The file concerned was submitted to him on 13.07.2006. He sought clarification from the Commissioner, Commercial Taxes if the information sought can be furnished. There was no reply till 31.08.2006. On 31.08.2006 he received a communication from the Commission directing him to dispose of the case within 10 days. On 02.09.2006 he got a direction from the Commissioner, Commercial Taxes to dispose of the request. And it was disposed of on 12.09.2006.

There is delay. And how to calculate the extent of delay is the question relevant here. The first PIO who saw the request was Smt. M. Rahamathunnisa Begum. She wrote on the file that the views of Commissioner Commercial Taxes should be sought and entered on leave. The next PIO, who was holding additional charge was not shown the file till he demitted office on 10.07.2006. The third PIO, Shri. P.G. Sasidharan first saw it on 13.07.2006 and the period of delay should be calculated from then on.

From 13.07.2006 to 12.09.2006, there is a delay of 60 days. The 30 days, permissible under the law should be reduced from it. Thus there is a net delay 30 days. At the rate of Rs.250 per day, the total

penalty for 30 days of delay works out to be Rs.7500/- He shall remit the amount of Rs.7500 in head of account “0070-60-800-36 Receipts under Right to Information Act, 2005” within 30 days of receipt of the copy of this order.

Dated this the 30th day of July, 2007.