

MEGHALAYA STATE INFORMATION COMMISSION, SHILLONG

...

No.MIC/RP/ 9/2009/2,

Shri Brojen Kumar Bora, 257 Nizarapa Road, Chandmari, - Review Petitioner
Guwahati – 781083

-Vrs-

P.I.O., Meghalaya State Electricity Board, Shillong - Respondent

19-1-2009

ORDER

Perused Review Petition dated 18-12-2008 received in the Commission on 5-1-2009. Through this Review Petition the Petitioner sought a review of this Commission's Order dt. 1-12-2008 in the Case No. MIC/Complaint/87/2008.

In the above Order, this Commission had already made it clear that the PIO had made a decision on the RTI application received by him from the Review Petitioner and conveyed his decision to him within the statutory period and that if the present Review Petitioner is aggrieved by the decision of the PIO he can approach the First Appellate Authority at the first instant. The point raised by the Review Petitioner in his review petition is that the PIO had refused access to information and hence liable for a Complaint under section 18(b) of the RTI Act. It is the view of this Commission that refusal occurs when the PIO did not part with the information which he is bound to do so under the Law. The instant case is not the case of refusal of access to information but the case of decision made as referred in Section 19(1) of the Right to Information Act. This section clearly states that "Any person who, does not receive a decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of section 7, or is aggrieved by a decision of the Central Public Information Officer or the State Public Information Officer, as the case may be, may within thirty days from the expiry of such period or from the receipt of such decision prefer an Appeal etc". In the instant case, the Review Petitioner is aggrieved by the decision made by the PIO who in pursuance of the provision of the law decided that the information sought is a personal information and is therefore, exempted under the relevant provision of the Law. Since appeals are to be preferred against decisions, the case is therefore an appropriate case for an Appeal. The Commission, therefore, find no merit to Review its Order dated 1-12-2008.

(G.P.Wahlang)
Chief Information Commissioner,
Meghalaya.

Memo. No. MIC/RP/9/2009/2-A

Dated Shillong, the 19th January, 2009

Copy to:-

Shri Shri Brojen Kumar Bora, 257 Nizarapa Road, Chandmari, Guwahati – 781083.

(P.T.Rani)
Under Secretary,
Meghalaya State Information Commission,
Shillong.