

NAGALAND INFORMATION COMMISSION

Agri-Farm Colony, Lane-6, H/No. AFC-578

Nagaland: Kohima-797001

Email: cic.nagaland@gmail.com | Website: www.nlsic.nagaland.gov.in



No. NIC/COMPLAINT-4/2022-23

Dated Kohima, the 16th December, 2022

Complainant : Shri. Pradip Kumar Sethi,
Ex-Sethi Bhawan,
Near Shree Digambar Jain Temple,
Jain Temple Road,
Dimapur, Nagaland – 797112,
Ph. No. 8794363899.

Respondent : Shri. Ganesh Sharma,
Superintendent & APIO,
Dimapur Municipal Council,
Dimapur, Nagaland - 797112.
Mb No- 9436430966.

Public Authority : Dimapur Municipal Council.

Date of hearing : 24.11.2022 at 12:00 Noon.

Date of Decision : 16.12.2022

Present:

1. Shri. Ganesh Sharma, Superintendent & APIO, Dimapur Municipal Council, Dimapur, Nagaland – 797112, Mb No- 9436430966.
2. The applicant (now complainant), Shri. Pradip Kumar Sethi, Ex-Sethi Bhawan, Near Shree Digambar Jain Temple, Jain Temple Road, Dimapur, Nagaland – 797112, Ph. No. 8794363899.

FACT OF THE CASE

The applicant had submitted an RTI application **25.08.2020** along with application fee of Rs. 50/- only to the PIO, O/o the Administrator, Dimapur Municipal Council, Kalibari Road, Dimapur, seeking the following information:-

1. *That Sir, is there i.e., **any point of time or in the particular year 2013 only** whether, in the Official Record Register of specific location of **House or BuildingNumber**, whatever may be Sir, for which (the Xerox copy of **scalemap** showing the land) being enclosed at Page No. _____ of Jain Temple Area of **Ward No. 17** (According to the name of **ward wise colony** in Dimapur Municipal Area) being **enclosed** at page No. _____ for kind perusal in respect of the number **DMC/3H**, of either house or building number on the good official record, maintained than or that time? Please furnish the information in detail along with the permission of order of inspection of record i.e. Register Record may kindly be allowed to me please.*
2. *That Sir, I am enclosing Xerox copy of “**For collection of Residential Sanitary Tax**” vide Book No. **588**, Receipt No. **048** under Ward No. **17** for the period of **Jan. to Dec. '08** (12 months) signed by **then** collector at page No. _____*

But

Date of issue of above, to be mentioned, was **over sighted** by both persons i.e. between giver and taker (me or my house member) of the said receipt **respectively** during that time Sir.

*In view of the above, Please give me the information of the **exact date**, on which, the said tax receipt was issued, lying on the official record, please along with Name of the Collector, name of the house or house No. of which exact **location** of the House*

specifically etc may also kindly be furnished, as it is required in the subject matter of identification issue of location Sir.

The applicant had also enclosed copies of the following documents for reference :-

- 1) Scale map showing the land in respect of Pradip Kumar Sethi at Block No.6 having an area of 268 Sq.m, or 00-B-1-K-00 under Dag No. 346 or Plot No. 628(part) covered by Patta No. 176, Dimapur Mouza No.1.
- 2) Ward-wise colony in Dimapur Municipal Areas where Jain Temple falls under ward No.17.
- 3) Directive of the court of NJB, GPRN where in house/building (Sethi Bhavan/DMC/3H) was mentioned.
- 4) Receipt of collection of residential sanitary tax vide book No. 588, R/No. 648 under ward No. 17 for the period from January to December 2008.

On receipt of the RTI application, Shri.Ganesh Sharma, Superintendent & APIO, Dimapur Municipal Council had, vide letter **No. DMC/RTI/2020-21/847** dated **05.09.2020**, furnished the reply to the applicant as below: -

1. *That Dimapur Municipal Council (DMC) does not have any record of collection of Residential Sanitary Tax from House/Building No. DMC/3H.*
2. *The record of this office reveals that the Receipt No. 048 of Book No. 588 for collection of Residential Sanitary Tax was issued by the tax collector namely Shri. Satnarayan Yadav on 27.10.2008, against the collection from the household of Jain Temple area under DMC W/No. 17.*

On being dissatisfied with the reply of the APIO, the applicant had submitted a Complaint dated **21.10.2020** to this Commission stating that the public authority had not only furnished unsatisfactory reply but had also failed to furnish the **House/Building No. and the exact location (Ward-wise) of the building** on which Residential Sanitary Tax was collected.

On receipt of the above Complaint, the Commission had, vide **No. NIC/Gen/RTI-19/17** dated **11.11.2020**, advised the applicant to submit First Appeal to the FAA, who is the Additional Director (HoD), Directorate of Municipal Affairs, Nagaland, Kohima.

Since there was no response from the applicant or the concerned public authority, the Commission has decided to hear the above mentioned complaint giving opportunity of being heard to all the parties on **24th November, 2022 (Thursday) at 12:00 noon, in the Hearing Room of the Nagaland Information Commission, Agri-Farm Colony, Lane-6, H/No. AFC/578, Nagaland, Kohima** and had directed to appear before this Commission and **also to bring the files and relevant documents** in question for scrutiny on the above date and time for hearing with preventive measures such as wearing of face masks and social distancing:

1. Shri. Ganesh Sharma, Superintendent & APIO, Dimapur Municipal Council, Kalibari Road, Dimapur, Nagaland – 797112, Mb No- 9436430966.
2. The applicant (now complainant), Shri. Pradip Kumar Sethi, Ex-Sethi Bhawan, Near Shree Digambar Jain Temple, Jain Temple Road, Dimapur, Nagaland – 797112, Ph. No. 8794363899.

OBSERVATIONS AND FINDINGS:

The applicant (now complainant), Shri. Pradip Kumar Sethi stated that the public authority had furnished the reply however, he was not satisfied. He also stated that he had received a directive of the Commission vide No. NIC/Gen/RTI-19/17 dated 11.11.2020 to file first appeal to the appropriate authority i.e the Additional Director (HoD) & FAA, Directorate of Municipal Affairs, Nagaland, Kohima but he did not file his first appeal due to the Covid pandemic.

Regarding Query No. 1, the applicant (now complainant), Shri. Pradip Kumar Sethi stated that he was not satisfied since the information was **partially replied**. He stated that the query No. 1 consisted of two parts – first, specific location of the house or building and second, the House/building number DMC/3H which the National Judiciary Board of the GPRN had mentioned. He further stated that the location was given and he had even enclosed a map,

however, the DMC could not confirm the location, for which he was not satisfied. He also pointed out that the office had not mentioned anything about the **inspection of records** which was requested in his RTI application.

Shri. Ganesh Sharma, Superintendent & APIO, Dimapur Municipal Council (now thereafter DMC) stated that the office of the DMC had furnished whatever record was available to them and he cannot manufacture the record in order to please the applicant. Regarding the House or building number, the APIO stated that no specific house or building numbers are maintained by the DMC and till date there is no such numbers allotted though property tax are collected at the rate of Rs. 5 per household irrespective of the number of occupants in the buildings. He had also produced the Deposit Register for Residential Sanitary Tax before the Commission during the hearing. From the Deposit Register for Residential Sanitary Tax for Ward No. 17, it was recorded that tax for an amount of Rs. 120.00 was collected from Pradeep Kumar Sethi vide Book No. 588 and Receipt No. 48, however, no official house number was mentioned allocated since DMC has not allocated any house or building numbers as submitted above.

The applicant (now complainant), Shri. Pradip Kumar Sethi pointed out that his name was wrongly recorded as '**Pradeep**' instead of '**Pradip**' in the Deposit Register and had also requested the Commission to allow him to inspect the record as he had mentioned in his RTI application.

Regarding Query No. 2, the applicant (now complainant), Shri. Pradip Kumar Sethi stated that since the information was **partially replied** he was not satisfied. He stated that as sought for, the APIO had furnished him the **exact date of issue** of the said tax receipt and the name of the **Collector**, however, he had not received the name of the house or the house number. He further stated that though he was furnished with the name of the collector for Book No- 588, receipt No-048, there was no indication of house No. in the Tax receipt and therefore he wanted to know the exact location of the House No. in order to enable him to proceed further in other forum for the identification issue of the location.

The applicant (now complainant) informed that he had filed numerous RTI applications to DMC in the past and in their replies, the DMC has been using different nomenclatures like CEO and Administrator which was somewhat confusing. Further, in one of the replies to his RTI queries, the DMC had replied that there is no FAA, and therefore, he wanted clarification from the DMC.

Shri. Ganesh Sharma, Superintendent & APIO, Dimapur Municipal Council replied that he had furnished the name of the collector with the location as DMC Ward No-17 and since there is no official record of house no being maintained or allocated by the DMC, there is no record of house number and hence cannot manufacture and furnish wrong information. He also stated that in the absence of elected Urban Local Bodies, the DMC cannot initiate any policy matters such as allocation of House Numbers to all the building in DMC jurisdiction. On the issue of the different nomenclatures used by the DMC, the APIO stated that it was the prerogative of the State Government to assign any nomenclature and not the DMC.

On the above explanation of the APIO regarding the non-allocation of house numbers in DMC jurisdiction, the applicant (now complainant), Shri. Pradip Kumar Sethi expressed **satisfaction**.

The Commission observed that the reply was given by the APIO instead of the PIO and hence questioned about the PIO. The DMC had also kept silent on the inspection of records relating to query No. 1 sought by the applicant (now complainant) in his RTI application. Regarding Query No. 2, the Commission agreed with the explanation of the APIO, DMC regarding the house or building numbers. The Commission also observed that there was no delay in furnishing the reply to the applicant (now complainant) and hence no penalty was attracted.

Therefore, the Commission advised the DMC to come out with clear nomenclature as assigned by the State Government to avoid confusion and also clear FAA, PIO and APIO.

DECISION

On the above observation and findings, the Commission decided that:-

1. Though the applicant (now complainant) had sought for the inspection of records relating to **query No. 1**, no such inspection of the records was carried out. Hence, Shri. Ganesh Sharma, Superintendent & APIO, Dimapur Municipal Council shall now allow the applicant (now complainant), Shri. Pradip Kumar Sethi to inspect the records as sought on any convenient date and time **within 10 (Ten) days** from the date of receipt of this decision.
2. After the inspection of records relating to **query No. 1**, the applicant (now complainant), Shri. Pradip Kumar Sethi shall submit satisfaction or non-satisfaction to the Commission **within 15 (fifteen) days** from the date of inspection of records. In case, no confirmation is received from the applicant (now complainant) within the time frame given by the Commission, the case shall be presumed as satisfied and no further request to re-open the case shall be entertained.

Decision pronounced in the presence of both the parties on 24.11.2022 at 12:00 Noon

Copies be given to:

1. Shri. Ganesh Sharma, Superintendent & APIO, Dimapur Municipal Council, Dimapur, Nagaland - 797112.
2. The applicant (now complainant), Shri. Pradip Kumar Sethi, Ex-Sethi Bhawan, Near Shree Digambar Jain Temple, Jain Temple Road, Dimapur, Nagaland – 797112, Ph. No. 8794363899.
3. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
4. Office Copy.

Sd/-

I. MEYIONEN JAMIR
Chief Information Commissioner

Authenticated true copy:

(Worhonthung Ezung)
Deputy Secretary