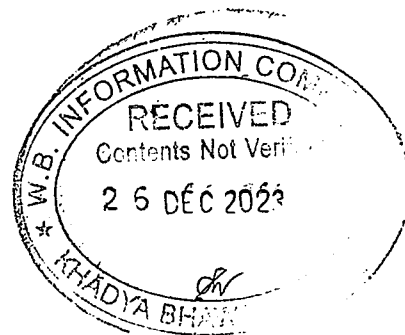


4825/(A)  
26/12/2023



To,

The Final Appellate Authority & State Information Commissioner

West Bengal Information Commission

11 A, Mirza Galib Street, Khadya Bhaban, Kolkata-700 087

Email: [scic-wb@nic.in](mailto:scic-wb@nic.in)

**Subject: Final Appeal due to non-receipt of needed information under Section 19 of the RTI Act, 2005 from South Dum Dum Municipality**

Sir,

with due respect and honour, I would like to state that having received no valid reply under RTI Act, 2005 from a public authority, namely, South Dum Dum Municipality, despite waiting for a long time and initiating several prayers to the concerned authority of South Dum Dum Municipality, I have been forced to seek justice from your kind end as the last resort.

Sir, I have tried to lodge the RTI Appeal to your kind end thorough online mode but to my ill fate I have not been successful in uploading the online appeal successfully probably due to system error or website problem.

Therefore, I have tried to provide information in a manner following the online format so as to keep parity with the Online Appeal format.

I have mentioned all the details below:

**Department Details:**

Department Name: URBAN DEVELOPMENT AND MUNICIPAL AFFAIR DEPARTMENT

Public Authority: SOUTH DUM DUM MUNICIPALITY

**Applicant's Particulars:**

Name of the Applicant: SUSHOVAN DUTTA

Gender: MALE

Country: INDIA

Address: 133, ARYA VIDYALAYA ROAD, HALTU

State: WEST BENGAL

District: SOUTH 24 PARGANAS

Name of the city: KMC

A  
W

Pin Code: 700078

Mobile No. 8637890560

Email ID: sushovan11@gmail.com

**Details of Application:**

RTI request filed on: 01.08.2023

Copy of RTI Application: Attached herewith.

**SPIO Details:**

**SPIO Name and Designation:** SPIO, SOUTH DUM DUM MUNICIPALITY

**SPIO Address:** SOUTH DUM DUM MUNICIPALITY, 2a, Dum Dum Rd, Nagerbazar, Dum Dum, Kolkata, West Bengal 700074

**Response of SPIO:**

**Nature of Response:** No Response

**Remarks:** No reply given despite passing the scheduled time limit.

Additionally, neither the detail designation of SPIO or Appellate Authority under RTI act are being mentioned in the website of the municipality for the general information of the public. So, I had to appeal later to the same authority i.e. SPIO only.

**Details of First Appeal:**

**First Appeal filed on:** 30.09.2023

**Copy of First Appeal:** Attached herewith

**First Appellate Authority Details:**

**First Appellate Authority name and designation:** The Appellate Authority under RTI and Executive Officer

**FAA Address details:** SOUTH DUM DUM MUNICIPALITY, 2a, Dum Dum Rd, Nagerbazar, Dum Dum, Kolkata, West Bengal 700074

**Response of First Appellate Authority (FAA):**

**Nature of Response of FAA: Information Denied/ Refused**

**Remarks:** Sir, firstly the municipality has not uploaded any kind of information regarding the designation of SPIO and Appellate authority in the website though normally that should have been mentioned as far as my knowledge is concerned. Secondly, I would state that it seems that the municipality does not have any respect to the RTI Act and therefore did not bother to provide any kind of information without showing any valid reasons. Still I again requested the authority the copy of which has also been attached but have not received any kind of reply till date.

**Prayer or Relief Sought:**

Sir,

Firstly, being a public body (Urban Local Body) dealing with public money South Dum Dum Municipality, as I presume, is bound to provide all the Annual Finance data to the citizens without any restriction whatsoever.

Secondly, under 15th Finance Commission and earlier Finance Commission's guidelines there has also been very clear direction to municipalities for publication of annual accounts and financial statements and audit reports specially as they are being substantially financed by the funds as per recommendations of Finance Commissions.

Thirdly, <sup>A South</sup> Dum Dum Municipality is bound to respect all the provisions under WEST BENGAL MUNICIPAL ACT, 1993 and subsequent amendments thereof, and that Act itself has directed each municipality to disclose the data as detailed below:

A. As per Section 64B of West Bengal Municipal Act, 1993, under Public Disclosure norms, every municipality shall publish:

- i. The audited Finance Statements and Cash Flow Statements.
- ii. Financial Statements for the full financial year
- iii. Such other documents relating to development programme of the Municipality as may be prescribed.

Again,

B. As per Section 84(2) of West Bengal Municipal Act, 1993, copy of the financial statement shall be given to the Director of Local Bodies and shall be available for inspection by the members of the Public....

Fourthly, as per Section 4(1)(b)(xiv) of RTI Act, every Public Authority has to proactively disclose "details in respect of the information, available to or held by it, reduced in an electronic form". So accordingly, your official website should invariably have uploaded all the information that I asked for which was not there and hence I had to apply for that information through RTI application causing wastage of my precious time and money as well as your precious time.

Again, as per Section 4(1)(b)(xi) of RTI Act, public authority has to disclose "all the budget allocated ....and all plans, proposed expenditures and reports on disbursements made"

And there have also been numerous and strict guidelines issued from time to time regarding these "suo motu disclosure of information under section 4 of RTI Act" by each and every public authority under India.

Lastly, as per Section 8(1)(j) of the RTI Act, 2005, "THE INFORMATION WHICH CAN NOT BE DENIED TO THE PARLIAMENT OR A STATE LEGISLATURE SHALL NOT BE DENIED TO ANY PERSON"

And I do not think that I have asked any question which can be ignored citing the reason that those are of confidential nature as the same cannot be ignored if asked by the Parliament of India and if the Municipality can provide the information to Parliament it can also provide the same to me being a general citizen of India.

So, I would earnestly hope that considering all the statements and legal mandates as detailed above I will be supplied the needed information as asked for,

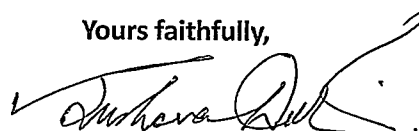
i.e. Soft copies of:

- A. The Annual Budget Estimate for the financial year 2011-12 to 2021-22.
- B. Yearly Property Tax Demand and Collection Statement for the F/Y 2011-12 to 2021-22.
- C. Annual accounts (AFS): Balance Sheet and Income Expenditure Account, Receipts and Payments Account of your municipality for the financial year 2011-12 to 2021-22.

May kindly be provided at my email which will save both time and cost from both ends.

Thanking you,

Yours faithfully,

  
SUSHOVAN DUTTA 20/12/2023

133, ARYA VIDYALAYA ROAD, KOLKATA-700078

EMAIL: sushovan11@gmail.com

Date: 20.12.2023

RTI Fee:

Copy of RTI Fee: Attached herewith

**Supporting Documents:**

**Documents Details:**

Additional appeal to the municipality against receipt of the late reply vide Memo No. SDM/1655/ XXIV, dated 13.10.2023 (though as per postal document it was originally sent on 01.11.2023 and received by me on 02.11.2023) and the copy has also been attached herewith.


**Applicant's Personal Information:**

**ID Proof:** PAN CARD- bearing number: AOKPD7522E

**Copy of ID proof:** Attached herewith.

**Declaration:**

The information as provided above is true to the best of my knowledge.

  
20/12/2023

பயன்கள் பல இடங்களில் உள்ளன. கருவியைப் பயன்படுத்தி உபதேசம் செய்து கொடுக்கிறது. உபதேசம் செய்து கொடுக்கிறது.

अपरक्राम्य  
NOT NEGOTIABLE



डाक टिकट  
POSTAGE STAMPS

पोस्ट मास्टर POSTMASTER



हाक महानिदेशक DIRECTOR GENERAL OF POSTS.

PAY TO SOUTH DUM  
DUM MUNICIPALITY

बस रुपए की रकम THE SUM OF RUPEES TEN ONLY



AT THE POST OFFICE AT

GPO, KOIKATA

के डाकघर में अदा करें ।



कमीशन COMMISSION ₹ 50 PAISE

प्रेषक अपना नाम और पता यहां लिख दे ।  
SENDER MAY FILL IN HIS NAME AND ADDRESS HERE.

SUSHOVAN DUTTA

133, A.V. ROAD

KOIKATA - 78

इस लाइन के नीचे मत लिखिए DO NOT WRITE BELOW THIS LINE

08F 182534

To

The State Public Information Officer

O/o Chairman

SOUTH DUM DUM MUNICIPALITY

2a, Dum Dum Rd, Nagerbazar, Dum Dum, Kolkata, West Bengal 700074

southdumdum74@gmail.com

**Subject: Seeking information under RTI Act, 2005**

Sir, I would urge you to kindly provide information as detailed below under RTI Act, 2005 from your kind end. I would like to receive:

- A. The Annual Budget Estimate for the financial year 2011-12 to 2021-22.
- B. Yearly Property Tax Demand and Collection Statement for the F/Y 2011-12 to 2021-22.
- C. Annual accounts (AFS): Balance Sheet and Income Expenditure Account, Receipts and Payments Account of your municipality for the financial year 2011-12 to 2021-22 or the latest as available at your end which has been submitted by your office to ELA (AG office) for audit purpose or already got audited by an Internal auditor.

Additionally, it may be stated that as per information provided by AG office your office has submitted accounts for audit up to the year 2017-18.

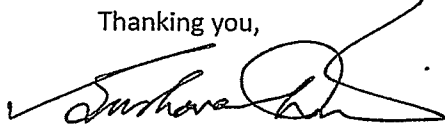
Sir, I assure you that this information, as asked, would be used for only academic research purpose (PhD on municipal finance matter) and I do not have any other intention for using this public data (as AFS having been audited becomes a matter of statutory public disclosure) other than research purpose. Hence, I hope I would not be deprived of getting the required information from your kind end for the stated purpose.

**I will be highly obliged if the information is being provided at my email which will save both time and cost from both ends.**

I have attached herewith a RTI fee of Rs.10 as per rule in form of IPO bearing number: **08F 182534** payable to SOUTH DUM DUM MUNICIPALITY, as per RTI rule.

Kindly provide me the information as soon as possible and the information under RTI Act, 2005, which has already become public (having been audited), under the purview of your office.

Thanking you,

  
SUSHOVAN DUTTA

133, ARYA VIDYALAYA ROAD, HALTU,

KOLKATA-700078

EMAIL: [sushovan11@gmail.com](mailto:sushovan11@gmail.com)

Date: 01.08,2023 ..

...

To  
The State Public Information Officer  
O/o Chairman  
SOUTH DUM DUM MUNICIPALITY  
2a, Dum Dum Rd, Nagerbazar, Dum Dum, Kolkata, West Bengal 700074  
southdumdum74@gmail.com

**Subject: Final appeal for getting information under RTI Act, 2005**

**Ref: My earlier RTI query dated 01.08.2023 and further RTI Appeal letter dated 07.09.2023**

Sir,

with reference to my earlier RTI query letter and appeal letter as mentioned above, I would like to bring to your kind attention that I am yet to receive any kind of reply either in form of the supply of the needed information or in form of your inability citing the reasons to provide the information, till date, despite passing a huge time of almost 60 days, though as per RTI Act, 2005, I should have mandatorily have received a reply from your part within 30 days of receipt of the RTI request.

So, would still like to believe that there must have been some unavoidable situation for which such delay has occurred and your office despite being a public authority has failed to abide the norms as stipulated in the RTI Act, 2005 which binding upon you and therefore under these circumstances, I would, therefore, again and for the final time appeal to your kind self to provide the necessary information as asked for as soon as possible as the maximum time period has long been over.

kindly provide information as detailed below under RTI Act, 2005 from your kind end. I would like to receive:

- A. The Annual Budget Estimate for the financial year 2011-12 to 2021-22.
- B. Yearly Property Tax Demand and Collection Statement for the F/Y 2011-12 to 2021-22.
- C. Annual accounts (AFS): Balance Sheet and Income Expenditure Account, Receipts and Payments Account of your municipality for the financial year 2011-12 to 2021-22 or the latest as available at your end which has been submitted by your office to ELA (AG office) for audit purpose or already got audited by an Internal auditor.

**I will be highly obliged if the information is being provided at my email which will save both time and cost from both ends.**

I have attached herewith all earlier references in this regard for your further perusal and quick necessary action so that the information is being provided to me within wasting any further time.

Thanking you,

  
SUSHOVAN DUTTA

30/09/23

133, ARYA VIDYALAYA ROAD, HALTU,

KOLKATA-700078

EMAIL: sushovan11@gmail.com

Date: 30.09.2023





## South Dum Dum Municipality

Nager Bazaar, Dum Dum Road, Kolkata-74

Phone: 2560 2357, 2560 2743

E-mail: southdumdum74@gmail.com

Memo No. SDM/1655/XXIV

Dated: 13.10.2023

Sushovan Dutta  
133, Arya Vidyalaya Road, Haltu,  
Kolkata-700078.

Sub: Information sought under- Right to Information Act, 2005.

Ref: Your application received dated 08.08.2023 & 06.10.2022.

Sir,

With reference to above the undersigned states that the RTI application was transferred to the Finance Department of this office. It appears from the observation of Finance Department that the information sought in your application cannot be shared with any individual in the interest of official secrecy.

Yours faithfully

*[Signature]* 13/10/23

State Public Information Officer  
South Dum Dum Municipality

To  
The Appellate Authority under RTI and Executive Officer

SOUTH DUM DUM MUNICIPALITY  
2a, Dum Dum Rd, Nagerbazar, Dum Dum, Kolkata, West Bengal 700074

**Subject: Last and Final Appeal due to non-receipt of needed information  
under Section 19 of the RTI Act, 2005**

Sir, I with reference to my first RTI prayer letter dated 01.08.2023 having requisite fee of Rs.10 attached with it as per rule in form of IPO bearing number: **08F 182534** payable to SOUTH DUM DUM MUNICIPALITY, as per RTI rule and then first reminder cum appeal dated 07.09.2023 (due to non-receipt of any information within due time of 30 days), second cum last appeal dated 30.09.2023 (due to non-receipt of any kind of information whatsoever despite passing two months i.e. 60 days from my original RTI application) and lastly your first communication letter vide Memo No. SDM/1655/ XXIV, dated 13.10.2023 (though as per postal document is was originally sent on 01.11.2023 and received by me on 02.11.2023), I would for the last and final time urge your good self to kindly provide the information under RTI Act, 2005 as per rule by showing minimum respect to the stated Act, though already the main aspect of the Act has already been vitiated due to intentional and illogical delay from your end to provide any kind of information without showing any valid reasons as it seems.

Additionally, I would like to mention the following points as my views/ opinion against your last communication letter vide Memo No. SDM/1655/ XXIV, dated 13.10.2023 and also against all your illogical delay till date and obviously against the observations made by your Finance Department which seems to be very much illogical and even illegal as seems to me due to the reasons as stated below:

Firstly, being a public body (Urban Local Body) dealing with public money your office is bound to provide all the Annual Finance data to the citizens without any restriction whatsoever.

Secondly, under 15<sup>th</sup> Finance Commission and earlier Finance Commission's guidelines there has also been very clear direction to municipalities for publication of annual accounts and financial statements and audit reports specially as they are being substantially financed by the funds as per recommendations of Finance Commissions.

Thirdly, your office is being practically run and bound to respect all the provisions under WEST BENGAL MUNICIPAL ACT, 1993 and subsequent amendments thereof, and that Act itself has directed your office, being a municipality, to disclose the data as required by me in a manner as detailed below:

A. As per Section 64B of West Bengal Municipal Act, 1993, under Public Disclosure norms, every municipality shall publish:

- i. The audited Finance Statements and Cash Flow Statements.
- ii. Financial Statements for the full financial year
- iii. Such other documents relating to development programme of the Municipality as may be prescribed.

Again,

B. As per Section 84(2) of West Bengal Municipal Act, 1993, copy of the financial statement shall be given to the Director of Local Bodies and shall be available for inspection by the members of the Public....

Fourthly, as per Section 4(1)(b)(xiv) of RTI Act, every Public Authority has to proactively disclose "details in respect of the information, available to or held by it, reduced in an electronic form". So accordingly, your official website should invariably have uploaded all the information that I asked for which was not there and hence I had to apply for that information through RTI application causing wastage of both my precious time and money as well as your precious time.

Again, as per Section 4(1)(b)(xi) of RTI Act, public authority has to disclose ***"all the budget allocated ....and all plans, proposed expenditures and reports on disbursements made"***

And there have also been numerous and strict guidelines issued from time to time regarding these ***"suo motu disclosure of information under section 4 of RTI Act"*** by each and every public authority under India.

Lastly, as per Section 8(1)(j) of the RTI Act, 2005, ***"THE INFORMATION WHICH CAN NOT BE DENIED TO THE PARLIAMENT OR A STATE LEGISLATURE SHALL NOT BE DENIED TO ANY PERSON"***

AND

***"I DO NOT THINK THAT I HAVE ASKED ANY QUESTION WHICH CAN BE IGNORED CITING THE REASON THAT THOSE ARE CONFIDENTIAL IN NATURE AS THE SAME CAN NOT BE IGNORED IF ASKED BY PARLIAMENT OF INDIA. AND IF YOU CAN PROVIDE INFORMATION TO PARLIAMENT THEN YOU MUST PROVIDE THE SAME TO ME BEING THE GENERAL CITIZEN OF INDIA"***

So, I would earnestly hope that considering all the statements and legal mandates as detailed above your office will positively within due time and preferably without any further delay supply the information as asked by me though a huge delay of more than 90 days has already occurred causing havoc to my research time management.

Hence, kindly provide me:

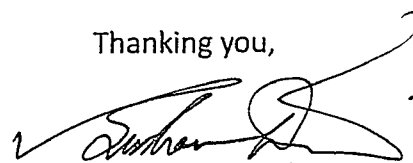
- A. The Annual Budget Estimate for the financial year 2011-12 to 2021-22.
- B. Yearly Property Tax Demand and Collection Statement for the F/Y 2011-12 to 2021-22.
- C. Annual accounts (AFS): Balance Sheet and Income Expenditure Account, Receipts and Payments Account of your municipality for the financial year 2011-12 to 2021-22.

at my email without asking for any physical visit which will save both time and cost from both ends.

I do hope that your municipality does not think itself beyond the West Bengal Municipal Act, 1993 or even greater than the Parliament of India which has passed the RTI, Act, 2005 and will surely oblige the rules and regulations made under those Acts and probably misunderstood or misinterpreted the provisions of the stated Act and therefore made this huge delay in providing the needed information.

Therefore, this letter may kindly be treated as the last and final appeal from my end in this respect and if I do not receive any fruitful information, which is mandatory from your part being a public authority, I will eventually be forced to appeal to the Second and Final Appellate Authority, i.e., West Bengal Information Commission as a last resort for getting the desired information to ensure my legal right being a citizen of India.

Thanking you,



SUSHOVAN DUTTA

133, ARYA VIDYALAYA ROAD, KOLKATA-700078

EMAIL: [sushovan11@gmail.com](mailto:sushovan11@gmail.com)

Date: 03.11.2023

आयकर विभाग  
INCOME TAX DEPARTMENT



भारत सरकार  
GOVT. OF INDIA

SUSHOVAN DUTTA

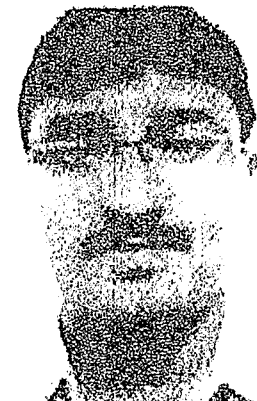
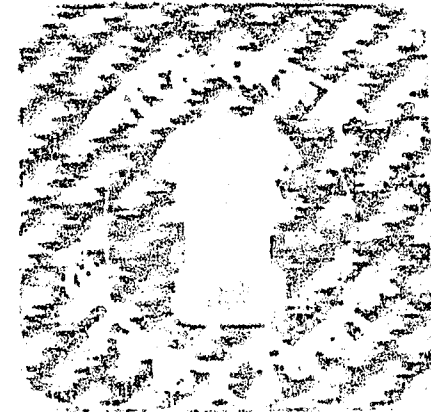
SUSHIL KUMAR DUTTA

11/05/1986

Permanent Account Number

AOKPD7522E

Signature



18042015

# NON RECEIPT OF ANY INFORMATION UNDER RTI ACT, 2005-REMINDER

1 message

Sushovan Dutta <sushovan11@gmail.com>  
To: southdumdum74@gmail.com

Fri, Sep 7, 2023 at 2:35 PM

To

The State Public Information Officer

O/o Chairman

SOUTH DUM DUM MUNICIPALITY

2a, Dum Dum Rd, Nagerbazar, Dum Dum, Kolkata, West Bengal 700074

southdumdum74@gmail.com

**Subject: Non receipt of required information under RTI Act, 2005**

**Reference: My RTI query dated 01.08.2023**

Sir, with reference to my original RTI query dated 01.08.2023, I would like to bring to your kind attention that I am yet to receive any kind of reply from your part despite passing more than 30 days of receipt of the RTI query by your office. I would further like to state that as per RTI Act, 2005 a public authority is bound to provide a reply within 30 days of receipt of RTI query.

So, I presume that there must have been some unavoidable situation for which such delay has occurred and therefore under these circumstances, I would again urge your kind self to provide the necessary information as asked for as soon as possible as the maximum time period of reply is over by now.

I am citing the details of all the information again that I asked for in my original RTI query dated 01.08.2023 (copy enclosed) which was equipped with required RTI fee of Rs.10 as per rule in form of payable to your MUNICIPALITY, as per RTI rule

- A. The Annual Budget Estimate for the financial year 2011-12 to 2021-22.
- B. Yearly Property Tax Demand and Collection Statement for the F/Y 2011-12 to 2021-22.
- C. Annual accounts (AFS): Balance Sheet and Income Expenditure Account, Receipts and Payments Account of your municipality for the financial year 2011-12 to 2021-22 or the latest as available at your end which has been submitted by your office to ELA (AG office) for audit purpose or already got audited by an Internal auditor.

Sir, I would again assure you that this information, as asked, would be used for only academic research purpose (PhD on municipal finance matter) and I do not have any other intention for using this public data other than research purpose.

Additionally, in relation to my RTI query matter I would further like to state that:

Firstly, as per Section 4(1)(b)(xiv) of RTI Act, every Public Authority has to proactively disclose "details in respect of the information, available to or held by it, reduced in an electronic form". So accordingly, your official website should invariably have uploaded all the information that I asked for which was not there and hence I had to apply for that information through RTI application causing wastage of both my precious time and money as well as your precious time.

Again, as per Section 4(1)(b)(xi) of RTI Act, public authority has to disclose *"all the budget allocated ....and all plans, proposed expenditures and reports on disbursements made"*

And there have also been numerous and strict guidelines issued from time to time regarding these *"suo motu*

30-09-2023, 20:26

SP-3  
28/12/23

disclosure of information under section 4 of RTI Act" by each and every public authority under India.

Secondly, any accounting data after having been audited becomes public data and should not only be mandatorily be shared to any citizen in India as and when they ask for but also must be uploaded in the website and other forum for broad view and opinion of public regarding the financial management and performance of municipality as per mandatory disclosure rule

Thirdly, under 15<sup>th</sup> Finance Commission guidelines there has also been very clear direction to municipalities for publication of annual accounts and financial statements and audit reports

Lastly, as per Section 8(1)(j) of the RTI Act, 2005, "THE INFORMATION WHICH CAN NOT BE DENIED TO THE PARLIAMENT OR A STATE LEGISLATURE SHALL NOT BE DENIED TO ANY PERSON"

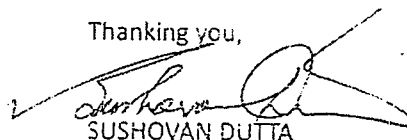
AND

"I DO NOT THINK THAT I HAVE ASKED ANY QUESTION WHICH CAN BE IGNORED CITING THE REASON THAT THOSE ARE CONFIDENTIAL IN NATURE AS THE SAME CAN NOT BE IGNORED IF ASKED BY PARLIAMENT OF INDIA. AND IF YOU CAN PROVIDE INFORMATION TO PARLIAMENT THEN YOU MUST PROVIDE THE SAME TO ME BEING THE GENERAL CITIZEN OF INDIA".

Hence, I would hope that after explaining all of my views I would not be deprived of getting the required information from your kind end for the stated purpose.

I will be highly obliged if the information is being provided at my email which will save both time and cost from both ends.

Thanking you,



SUSHOVAN DUTTA

133, ARYA VIDYALAYA ROAD  
KOLKATA-700078

EMAIL: [sushovan.dutta@gmail.com](mailto:sushovan.dutta@gmail.com)

Date: 07.09.2023

RTI SOUTH DUM DUM.pdf  
1130K