

FORMAT FOR FILING 2ND APPEAL BEFORE THE WEST BENGAL

INFORMATION COMMISSION

U/S.19(3) of RTI Act, 2005

(Vide Circular No.3008-WBIC/Admin-05/13 dated 20/08/2019)

1..	Name of the Appellant	SOUMENDRA KUMAR DUTTA
2.	Complete Postal Address (Attach self attested copy of one address proof document viz, Bank Pass Book, EPIC, PAN, Driving License, Passport, AADHAR Card etc)	37, D H Road, Genexx Valley, Tower -34, Flat – 4A, PO: Joka, PS: Haridevpur, Kolkata – 700104. (Self attested copy of AADHAR Card is attached)
3.	(a) Contact No. (b) e-mail ID	9474120087 <u>soumendra.adv@gmail.com</u>
4.	(a) Date of filing of application for information under RTI Act (A self attested copy of RTI application should be attached) (b) Whether application fee paid (i) If yes, mode of payment (ii) If no, self attested photocopy of relevant certificate issued by the competent authority should be attached.	03/01/2024 (A self attested copy of RTI application made u/s.6(1) of the RTI Act dated 03/01/2024 is attached and marked as <u>Annexure -A/1</u>) Y/N (Yes) Court Fee of Rs.10/- N A
5.	Name of the State Public Information Officer/State Asst. Public Information Officer to whom the application was made and Address (a) Whether RTI petition is transferred to another SPIO u/s.6(3) of the RTI Act, 2005. If yes, name & address of such authority (Please attach copy of transfer memo as above)	The State Public Information Officer, & The District Registrar, Dist: South 24 Parganas, 6, Biplabi Kanailal Bhattacharya Sarani, Alipore, Kolkata – 700027. Yes, RTI petition is transferred to another SPIO u/s.6(3) of the RTI Act, 2005. The District Sub-Registrar - III, South 24 Parganas. Alipore, Kolkata – 700027 (Self attested copy of the OM No.26/RTI/DR S-24-Pgs dated 10/01/2024 is attached & marked as <u>Annexure -A/2</u>)

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11/03/2024

6.	Gist of the information sought for	<p align="center"><u>Details of Information sought under Sec.6(1) of R T I Act, 2005</u></p> <p><u>Query No.1</u> Copy of Board (BOD) Resolution appointing Mr. Amit Kumar Bhowmik as authorized signatory to act on behalf of M/s. Paharpur Builders Pvt. Ltd in the matter of execution and registration of Deed of Conveyance on 22/07/2022 in r/o. FLAT NO.4A, TOWER NO.34, OF GENEXX VALLEY, a Real-estate Project of M/s. Paharpur Builders Pvt. Ltd, situated at 37, D H Road, PO: Joka, PS: Haridevpur, KMC Ward No.144, Mouja Joka, Kolkata – 700104.</p>
7.	Have you received any response/Information? If so, attach a self attested copy of the same.	<p><u>Response of SPIO to Query :</u> " In response to your letter vide Memo No.26/RTI?DR-S-24 Pgs dated 10/01/2024, I have the honour to inform you that we did not find any board resolution appointing Mr. Amit Kumar Bhowmick as Authorised Signatory to act on behalf of M/s. Paharpur Builders Pvt. Ltd in the matter of execution and registration of deed of conveyance being no.1-11460/2022 dated on 22-07-2022. " (Copy of OM No.196/RTI/DR S-24-Pgs dated 31/01/2024 along with OM No.012 dated 15/01/2024 is enclosed herewith and marked as <u>Annexure – A/3 & A/4</u>)</p>
8.	Date of filing 1 st Appeal (A self attested copy of 1 st Appeal along with proof of submission of the same should be attached)	<p>1st Appeal u/s.19(1) of RTI Act, 2005 filed on 16/02/2024</p> <p>(Self attested copy of the 1st Appeal is attached & marked as <u>Annexure – A/5</u>)</p>
9.	Authority to whom the first appeal was made with address	The FAA & The Jt. Inspector General of Revenue, Directorate of Registration & Stamp Revenue, Govt. of West Bengal, Fortuna Tower, 9 th Floor, 23A, N S Road, Kolkata – 700001
10.	Decision of the 1 st Appellate Authority, if any, including number and date of the Order. (A self attested copy of the Order of the 1 st Appellate Authority should be attached)	<p><u>DECISION OF FAA</u></p> <p>" In reply to the appeal dated 16/02/2024 filed on 19/02/2024 by Sri Soumendra Kumar Dutta before the First Appellate Authority u/s.19(1) of the RTI Act, 2005, this is to inform that as per guideline No.9 issued by the Department of Personnel & Training, Government of EIndia vide OM No.1/3/2008-IR dated 25.04.2008 on the RTI Act, 2005 (may be searched from Google), only such information is required to e supplied under the Act which already exists and is held by the public authority or held under the control of he public authority. It is beyond the scope of th Act to create information; or to interpret information; or to solve the problems raised by the applicants, or to furnish replies to hypothetical questions.</p> <p>In reply to his application dated 03.01.2024 under the RTI Act, 2005 submitted by the applicant before the SPIO & DR, South 24 Paranas, the SPIO & DR, South 24 Parganas has replied to his query vide Memo No. 196/RTI/DR S-24-Pgs dated 31/01/2024. But the applicant is not satisfied with the reply supplied to him and being aggrieved with the reply, the applicant has made this appeal before the Jt. IGR, WB and First Appellate Authority.</p>

Signature
11/03/2024

Contd -- 4/3.

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		<p>However, the SPIO & D R, South 24 Parganas will take necessary action to help the applicant for getting his accessible information only as per the provision of RTI Act, 2005, if that information already exists and is held by him or held under his control.</p> <p><u>With the above direction, the appeal stands disposed of."</u></p> <p>(A self attested copy of Order of the FAA issued vide Memo No.560/DRSR-16/1/2023-ESTT SEC-DRSR dated 22/02/2024 is enclosed herewith and marked as <u>Annexure – A/6</u>)</p>
11.	Grounds of 2 nd Appeal and the relief sought (specify)	<p><u>GROUND OF 2ND APPEAL</u></p> <ol style="list-style-type: none"> 1) The reply of the SPIO was uncalled for and unacceptable that even speaks itself against the Public Authority, so far the subject matter of the query is concerned which apparently being responded casually and lackadaisical way without even appreciating the specific query against which information sought by the appellant in his application. 2) The decision of the 1st Appellate Authority is passed in the same line upholding the reply of the SPIO and disposed of the 1st Appeal referring the guideline no.9 issued by the Deptt. of P &T, Govt. of India vide OM No.1/3/2008-IR dated 25-04-2008 stating that it is beyond the scope of the RTI Act to create information, or to interpret information, or to solve the problems raised by the applicants or to furnish replies to hypothetical questions. 3) <u>The RTI Act does not state that queries must not be answered, nor does it stipulate that prefixes as "why, what, when and whether" cannot be used. The SPIO as well as 1st AA is right in accepting that what is asked must be a matter of record, but errs in imposing a new set of non-existent exemptions and denied the information in blanket manner.</u> 4) <u>The queries in the nature of "why, what, when and whether", per se do not disentitle an applicant from seeking information u/s.2(f) of the RTI Act. In case there is any record available in regard to any question raised in an RTI application, the same needs to be provided u/s. 7(1) of the Act. When however, these questions are mostly hypothesizes/ opinion expressed or opinions involving no record/ document by the responded authorities, one can safely disregard these information as not being covered under the definition of "information" as enunciated exhaustively u/s.2(f) of the RTI Act, 2005</u> 5) The Appellant believes that Section (19) of the RTI Act permits any person to appeal before the Hon'ble Commission if he has been denied access to an information requested under this act or he believes that he has been given incomplete, misleading, or false information under this Act. Such an actions of

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11/02/2024

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		<p>the respondent are in non compliance with the provisions and spirit of the RTI Act that also proves that respondent have taken the queries made under RTI Act very casually and lackadaisical way.</p> <p>6) Right to Information finds its root in the Fundamental Right which no one is supposed to violate but respondent have done that by denying the information which is detrimental to the objectives of the RTI Act, namely, creating an informed citizen of country and ensuring the establishment of a practical regime of transparency in the activities in the office of a Public Authority stands defeated.</p> <p><u>Relief/s prayed for –</u> The Appellant humbly prays that considering the submission made herein above, the Hon'ble Commission may be pleased to -</p> <ol style="list-style-type: none"> 1. Allow and admit this appeal and pass an appropriate order based on merit in the appeal to enable the appellant to access the information sought from the concerned Public Authority, 2. Invoke its power u/s.19(8)(a)(i) or Sec.25(5) of the Act to direct the concerned Public Authority to furnish the information sought by the Appellant. 3. The Appellant may be provided with the information /documents which pertains to the Deptt/office and under the control of the Public Authority and not exempted from disclosure as per Sec.8 & 9 of the RTI Act, 2005. 4. In case the information sought by the appellant falls under the category of Third Party Information (u/s.11) or u/s.10(1)(Severability) of the Act, the information may be provided to him following the said provisions of the Act. 5. Any other order/orders as may deem fit and proper by Hon'ble Commission in the facts & circumstances stated by the appellant in the 2nd Appeal and/or, any other order following the provision of Sec.25(5) of the RTI Act 6. The Appellant reserves his right to make an amendment/alteration in the contents of Appeal or relief sought for or to submit additional arguments and prayers, if required in course of hearing.
12	<p>If 2nd Appeal is filed after 90 days from the date on which the decision of the 1st Appellate Authority was received or after 135 days from the date of filing the 1st Appeal. Explain the reasons for the delay along with supporting documents.</p>	<p>As required, 2nd Appeal u/s.19(3) of the RTI Act, 2005 is filed within 90 days.</p>


 11/03/2024

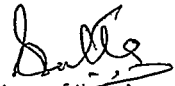
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I Soumendra K. Dutta, son of Late Barendra K. Dutta

Aged 67+ yrs...being an Indian citizen do hereby solemnly affirm that the statements made herein are true to my knowledge based on records and the rest are my submissions to the Hon'ble West Bengal Information Commission.

Place Toka, Kolkata - 104.

Date 11/03/2024

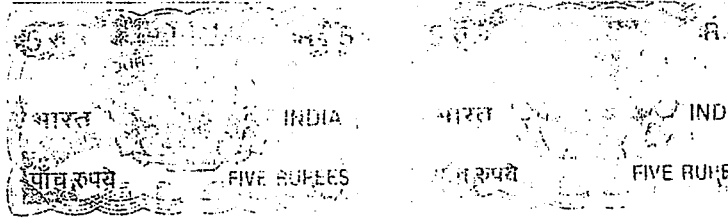

Signature of the Appellant
(SOUMENDRA KUMAR DUTTA)
(Name of the Appellant)

List of documents to be enclosed:-

- Self attested copy of address proof document(AADHAR)
- Self attested copy of RTI Application dated 03/01/2024 with enclosures (Annexure – A/1).
- Self attested copy of the OM No.26/RTI/DR S-24-Pgs dated 10/01/2024 (Annexure -A/2)
- Self attested copy of OM No.196/RTI/DR S-24-Pgs dated 31/01/2024 along with OM No.012 dated 15/01/2024 (Annexure – A/3 & A/4)
- Self attested copy of the 1st Appeal dated 16/02/2024 with enclosures(Annexure – A/5)
- Self attested copy of Order of the FAA issued vide Memo No.560/DRSR-16/1/2023-ESTT SEC-DRSR dated 22/02/2024 (Annexure – A/6)
- Self attested photocopy of proof of RTI fee payment or of BPL status
- 2nd Appeal in the format as above.
- Any other documents in support of the 2nd appeal.(Xerox copies of two Orders of CIC dated 25/04/2018 & 09/02/2009 for citation)

*) Extra Two Sets of 2nd Appeal.

ANNEXURE - A/1.



EW30314719BIN IVR:698730314719
SP IIN JOKA SD <700104>
Counter No:1,04/01/2024,12:19
To:THE DIST. REGISTRAR, ALIPORE
PIN:700027, Alipore HO
From:S K DUTTA,KOL
Wt:62gms
Amt:29.50(Cash)Tax:4.50
<Track on www.indiapost.gov.in>

To,
The State Public Information Officer,
SOUTH 24-PARGANAS,
&
The District Registrar,
6, Biplabi Kanailal Bhattacharya Sarani,
Alipore Police Court Compound,
P.O.:Alipore,
Kolkata - 700027

Sub: Application seeking information/documents under Sec: 6(1) of R T I Act, 2005

Respected Sir,

Mot humbly I am to submit that I need the following information/documents u/s. 6(1) of the RTI Act, 2005. The details of information/documents sought are given below -

DETAILS OF INFORMATION/DOCUMENTS SOUGHT UNDER RTI ACT, 2005

Query No.1) Copy of Board (BOD) Resolution appointing Mr. Amit Kumar Bhowmik as authorized signatory to act on behalf of M/s. Paharpur Builders Pvt. Ltd in the matter of execution and registration of Deed of Conveyance on 22/07/2022 in r/o. FLAT NO.4A, TOWER NO.34, OF GENEXX VALLEY, a Real-estate Project of M/s. Paharpur Builders Pvt. Ltd, situated at 37, D H Road, PO: Joka, PS: Haridevpur, KMC Ward No.144, Mouja Joka, Kolkata - 700104

As required under Rule 3 of West Bengal Right to Information Rules, 2006 I attach herewith a Court Fee of Rs.10/- towards the Application fees for the Application made under Sec.6(1) of RTI Act, 2005 seeking aforesaid information. However, if any additional fees/charges are required for the purpose of providing the copy of desired documents/information, the same may kindly be intimated to the applicant at an early date informing the mode of payment.

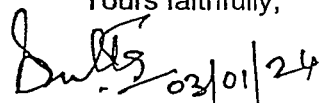
The applicant understands to the best of his knowledge that the information sought hereinabove does not fall within the restriction/exemption from disclosure as contained in Section 8 & 9 of the R T I Act, 2005 and it pertains to the deptts/office under your kind control. However, in case the information sought by the applicant falls under the category of Third Party Information (Sec.11) or u/s.10 (Severability) of the Act, the information should be provided to him following the said provisions of the Act. Xerox copies of few relevant papers are enclosed herewith for your kind perusal and reference.

Applicant shall therefore, be highly obliged if the information/documents sought hereinabove, are delivered to him in accordance with the provision of Sec.7 of R T I Act, 2005 at an early date.

And for this act of kindness, the applicant/ petitioner shall remain ever dutybound.

Yours faithfully,

Dated: 03/01/2024.


(SOUMENDRA KR. DUTTA)
(Concerned Applicant)
37, D H Road, Genexx Valley,
Tower -34, Flat - 4A,
Joka, Kolkata - 700104.
Cont.No.9474120087

Encl: Copy of E-assessment of MV, copy of first page of Deed of Conveyance, copy of e-mails exchanged with PBPL





Government of West Bengal
Directorate of Registration & Stamp Revenue
e-Assessment Slip

Query No./Year	2001994204/2022	Office where deed will be registered
Query Date	01/07/2022 2:24:27 PM	Deed can be registered in any of the offices mentioned on Note: 11
Applicant Name, Address & Other Details	Prém Kumar Singh 53 Milan Park Garia, Thana : Patuli, District : South 24-Parganas, WEST BENGAL, PIN - 700084, Mobile No. : 9831779278, Status : Advocate	
Transaction	Additional Transaction	
[0101] Sale, Sale Document	[4308] Agreement [No of Agreement : 2], [4311] Receipt [Rs : 20,95,552/-]	
Set Forth Value	Market Value	
Rs. 34,00,000/-	Rs. 39,28,050/-	
Total Stamp Duty Payable (SD)	Total Registration Fee Payable	
Rs. 1,57,143/- (Article:23)	Rs. 60,250/- (Article:A(1), E, B)	
Mutational Fee Payable	Expected date of Presentation of Deed	Amount of Stamp Duty to be Paid by Non-Judicial Stamp
		Rs. 1,000/-
Remarks		

Apartment Details :

District: South 24-Parganas, Thana: Thakurpukur, Corporation: KOLKATA MUNICIPAL CORPORATION, Premises No: 37, Ward No: 144, Project Name : Genex Valley Road: Diamond Harbour Road, Pin Code : 700104

Sch No.	Mouza/Road/Zone	Plot	Khatia n	Floor/Area (in Sq.Ft.)	Set Forth Value (in Rs.)	Market Value (in Rs.)	Other Details
A1	Zone Name: (Premises located on DH Road, but not in Wards 119-121, 123-126, 128, 130 -132 -)			Super Build Area of the Apartment: 1015	34,00,000/-	39,28,050/-	Flat No: 4A T34, Floor No: 4, Apartment Type: Flat/Apartment Residential Use, Floor Type: Tiles, Age of Flat: 5 Year, Block or Building Name/Number : genexx, Property Is on Road, Other Amenities: Lift Facility, Swimming Pool, Club, Gymnasium, New Flat, Status of Completion : Completed

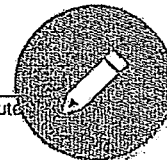


Query No: 2001994204 of 2022, Printed On : Jul 1 2022 2:24 PM, Generated from vcregistration.gov.in

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Seller Details :

Sr No	Name & address	Status	Execution Admission Details
1	PAHARPUR BUILDERS PRIVATE LIMITED (Private Limited Company) .8/1/B D H ROAD, Block/Sector: ALIPORE, City:- Not Specified, P.O:- ALIPORE, P.S:- Alipore, District:-South 24-Parganas, West Bengal, India, PIN:- 700027 PAN No. AAxxxxxx0F, ,Aadhaar No Not Provided by UIDAI Status : Organization, Executed by: Representative	Organization	Executed by: Representative
2	FRENCH MOTOR CAR CO. LTD. .234/3A, A. J. C. Bose Road, Police Station - Bhawanipur, Post Office - Lala Lajpat Rai Sarani, Kolkata - 700 020, City:- Not Specified, P.O:- LALA LAJPAT RAI SARANI, P.S:- Bhawanipore, District:-South 24-Parganas, West Bengal, India, PIN:- 700020 PAN No. AAxxxxxx5G, ,Aadhaar No Not Provided by UIDAI Status :	Organization as Confirming Party	Executed by: Representative



Buts

Buyer Details :

Sl No	Name & address	Status	Execution Admis Details :
1	Mr SOUMENDRA KUMAR DUTTA Son of Late BARENDRA KUMAR DUTTA, KABI MUKUNDRAM SARANI, Block/Sector: DURGAPUR, D39, City:- Not Specified, P.O:- BIDHANNAGAR, P.S:-New Township, District-Paschim Bardhaman, West Bengal, India, PIN:- 713212 Sex: Male, By Caste: Hindu, Occupation: Service, Citizen of: India, PAN No. ABxxxxx3G, Aadhaar No.: 28xxxxxxx6634, Status :Individual, Executed by: Self To be Admitted by: Self	Individual	Executed by: S. To be Admitted by: S.
2	Mrs SASWATI DUTTA Wife of Mr SOUMENDRA KUMAR DUTTA, KABI MUKUNDRAM SARANI, Block/Sector: DURGAPUR, D39, City:- Not Specified, P.O:- BIDHANNAGAR, P.S:-New Township, District-Paschim Bardhaman, West Bengal, India, PIN:- 713212 Sex: Female, By Caste: Hindu, Occupation: House wife, Citizen of: India, PAN No. AUxxxxx2E, Aadhaar No.: 30xxxxxxx7876, Status :Individual, Executed by: Self To be Admitted by: Self	Individual	Executed by: Self To be Admitted by: Self

2

Representative Details :

Sl No	Name & Address	Representative of
1	Mr AMIT KUMAR BHOWMIK Son of Late AMAL KUMAR BHOWMIK 8/1/B D H ROAD, City:- Not Specified, P.O:- ALIPORE, P.S:-Alipore, District:-South 24-Parganas, West Bengal, India, PIN:- 700027 Aadhaar No Not Provided by UIDAI	PAHARPUR BUILDERS PRIVATE LIMITED (as authorised signatory)
2	Mr SIDDHANT JATIA Son of Mr SANDEEP JATIA 234/3A, A.J.C. Bose Road, Police Station:- Bhawanipur, Post Office: Lala Lalpat Rai Sarani, Kolkata:- 700 020, City:- Not Specified, P.O:- LALA LAJPAT RAY SARANI, P.S:-Bhawanipur, District:-South 24-Parganas, West Bengal, India; PIN:- 700020 Sex: Male, By Caste: Hindu, Occupation: Service, Citizen of: India, PAN No. APxxxxx3R, Aadhaar No Not Provided by UIDAI	FRENCH MOTOR CAR CO. LTD.



Query No: 2001994204 of 2022, Printed On: Jul 1 2022 2:24PM, Generated from e-registration.gov.in

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Identifier Details :

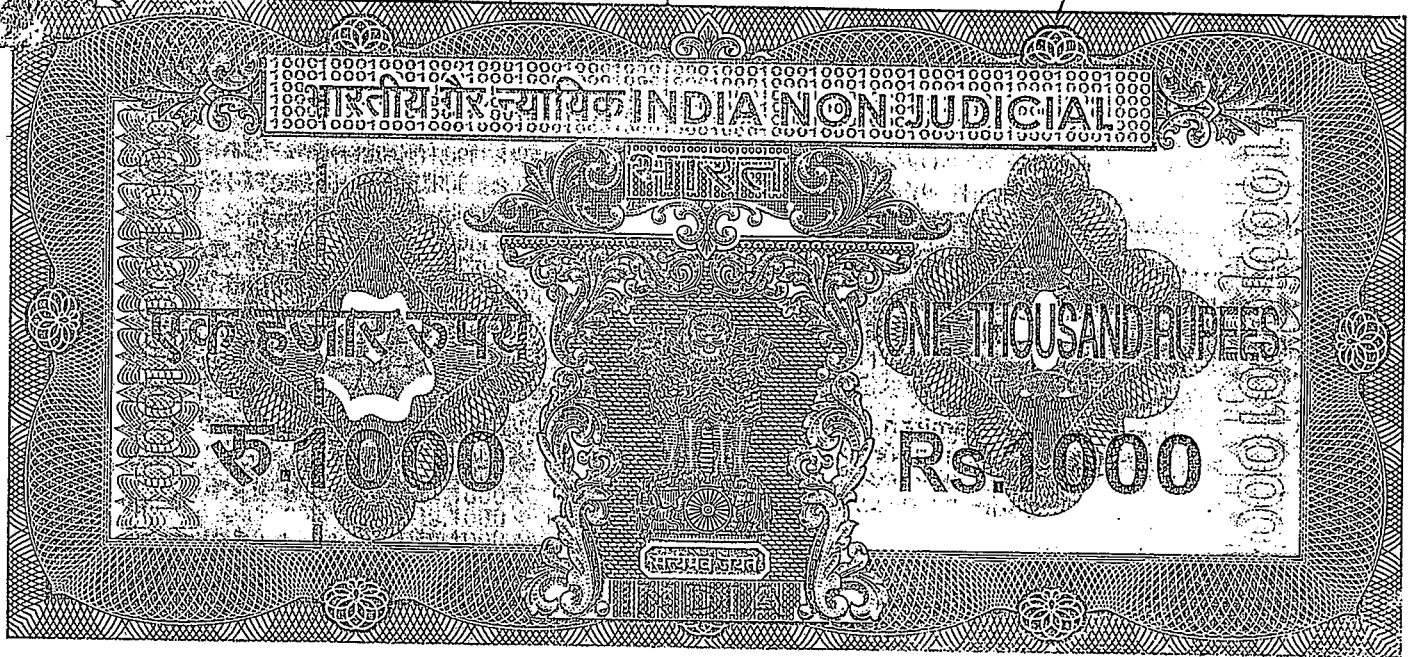
Name & address
Mr SARABINDU SARDAR Son of Mr NIMAI SARDAR 37 BRUI P N ROAD, City:- Not Specified, P.O:- GARIA, P.S:-Sonarpur, District:-South 24-Parganas, West Bengal, India, PIN:- 700084, Sex: Male, By Caste: Hindu, Occupation: Service, Citizen of: India, Identifier Of Mr SOUMENDRA KUMAR DUTTA, Mrs SASWATI DUTTA, Mr AMIT KUMAR BHOWMIK, Mr SIDDHANT JATIA

Transfer of property for A1		
Sl.No	From	To, with area (Name-Area)
1	PAHARPUR BUILDERS PRIVATE LIMITED	Mr SOUMENDRA KUMAR DUTTA-507.5 Sq FLMrs SASWATI DUTTA-507.5 Sq Ft

Owner and Land or Building Details as received from KMC				
Sc. No.	Property Identification by KMC	Registered Deed Details	Owner Details of Property	Land or Building Details
A1	Assessment No. : 711440420726 Premises No. : 37 Ward No. : 144 Street Name : DIAMOND HERBOUR ROAD	Reference Deed No. : Date of Registration. : Office Where Registered :	Owner Name : PAHARPUR COOLING TOWER LTD. Owner Address : 37, DIAMOND HARBOUR ROAD, GENEXX VALLEY, (FLF-3,3 RD, FL TOWER-17) . KOLKATA Pin No. : 700104	Plan Sanction No.: Building Type : Building Height : Is Heritage: Plot Area : Total Floor Area: Covered Parking Area:
A1	Assessment No. : 711440414556 Premises No. : 37 Ward No. : 144 Street Name : DIAMOND HERBOUR ROAD	Reference Deed No. : Date of Registration. : Office Where Registered :	Owner Name : ADITI CHATTERJEE,UTTAM KUMAR SARKAR Owner Address : 37, DIAMOND HARBOUR ROAD, GENNEX	Plan Sanction No.: Building Type : Building Height : Is Heritage: Plot Area : Total Floor Area:

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পশ্চিমবঙ্গ পশ্চিম বঙ্গাল WEST BENGAL

U 654217

2.50
22/07/22
G-21/994204

And that the Government has caused to
print and issue the above sheet, and
it is hereby declared that the same
shall be valid for all purposes.

[Handwritten signature]

Registered
24-07-2022

[Handwritten signature]

THIS INDENTURE OF CONVEYANCE made this the 22nd day of July Two Thousand and Twenty Two (2022) Between "PAHARPUR BUILDERS PRIVATE LIMITED" (formerly known as Paharpur Cooling Towers Limited) a company within the meaning of the Companies Act, 1956, having its registered office at 8/1/B, Diamond Harbour Road, Police Station:- Alipore, Post Office :- Alipore, Kolkata 700 027, having its Income Tax PAN AANCA2370F represented through its Authorised Signatory MR. AMIT KUMAR BHOWMIK son of late Amal Kumar Bhowmik by nationality Indian, by occupation Service, working for the gain for the company at 8/1/B, Diamond Harbour Road, Police Station:- Alipore, Post Office :- Alipore, Kolkata 700 027 hereinafter referred to as the **VENDOR** (which term or expression shall unless excluded by or repugnant to the subject or context be deemed to mean and include its successor and or successors in office/ interest and assigns) of the **FIRST PART**

[Handwritten signature]

AND

MR. SOUMENDRA KUMAR DUTTA, [PAN – ABVPD9423G], AADHAAR CARD NO: 288131336634, son of Late Barendra Kumar Dutta, by faith Hindu, by nationality Indian, by occupation Retired, and MRS. SASWATI DUTTA, [PAN – AURPD5252E], AADHAAR CARD NO: 305053397876, wife of Mr. Soumendra Kumar Dutta. by faith Hindu, by nationality Indian, by occupation House wife, both residing at D-39, Kabi Mukundaram Sarani, Durgapur (M Corp), Post Office:- Bidhannagar, Police Station:- Newtownship, Bidhanagar, Paschim Bardhaman Pin Code:- 713 212, West Bengal, India hereinafter referred to as the **PURCHASERS** (which term or expression shall unless excluded by or repugnant to the subject or context be deemed to mean and include their respective heirs, legal, representatives, executors, administrators and assigns) of the **SECOND PART**.

AND

Ms **FRENCH MOTOR CAR CO. LTD.** a company within the meaning of the Companies Act. 1956, having its registered office situated at 234/3A, A. J. C. Bose Road, Police Station: Bhawanipur, Post Office: Lala Lajpat Rai Sarani, Kolkata 700 020, having its Income Tax PAN No. AAACF4735G represented through its Vice President **MR. SIDDHANT JATIA** (PAN APXPJ9183R) son of Mr. Sandeep Jatia by nationality Indian, by occupation Service, working for the gain for the company at 234/3A, A. J. C. Bose Road, Police Station: Bhawanipur, Post Office: Lala Lajpat Rai Sarani, Kolkata 700 020, hereinafter referred to as "the **CONFIRMING PARTY**" which term or expression shall unless excluded by or repugnant to the subject or context be deemed to mean and include its successor and/ or successors in office/ interest and assigns) of the **THIRD PART**:

[Vendors, Purchasers and Confirming Party referred to as such or as Party and collectively Parties.]

WHEREAS:

A) By a Deed of Conveyance dated 28th March 2003 and made between Siemens Limited (formerly known as Siemens India Limited) therein referred to as the Vendor of the One Part and the Paharpur Cooling Towers Limited (**Erstwhile Vendor**) therein referred to as the Purchaser of the Other Part and lodged for registration at the office of the Additional Registrar of Assurances I (ARA-I) Kolkata in Book No. I, Serial No. 3627P for the year 2003 the **Erstwhile Vendor** for the consideration therein mentioned purchased and acquired **ALL THAT** the various pieces and parcels of Land containing an aggregate area of 20.93 acres (be the same a little more or less) situate in Mouza Joka within P.S. Thakurpukur Pargana Balia, Touzi No.4 J.L. No. 21 in the District of South 24 Parganas (more fully and particularly mentioned and described in the Part-I of the **SECOND SCHEDULE** hereunder written and hereinafter referred to as the said **SIEMENS LAND**).

B) The said Deed of Conveyance dated 28th March 2003 was duly admitted to final registration upon payment of the deficit amount of stamp duty and registration charges and has since been recorded in Book No. I, Volume No.1, Pages 1 to 54 Being No. 8275 for the year 2005.

C) Subsequently, the **Erstwhile Vendor** has, from time to time, by various deeds of conveyances purchased and acquired various other pieces and parcels of land containing by

Major Information of the Deed

Deed No.:	I-1603-11460/2022	Date of Registration	26/07/2022
Query No./Year	1603-2001994204/2022	Office where deed is registered	
Query Date	01/07/2022 2:24:27 PM	D.S.R. - III SOUTH 24-PARGANAS, District: South 24-Parganas	
Applicant Name, Address & Other Details	Deb Kumar Singh 53 Urban Park, Garia, Trans : Patuli, District : South 24-Parganas, WEST BENGAL, PIN - 700027, Mobile No. : 9831779278, Status : Advocate		
Transaction	Additional Transaction		
UDRI Sale / Sale Document	[4308] Other than Immovable Property, Agreement [No of Agreement : 2], [4311] Other than Immovable Property, Receipt [Rs : 20,95,552/-]		
Settlement	Market Value		
Settlement	Rs. 39,28,050/-		
Settlement	Registration Fee Paid		
Settlement	Rs. 60,282/- (Article:A(1), E,)		
Received	Received Rs. 50/- (FIFTY only) from the applicant for issuing the assement slip. (Urban area)		

Apartment Details :

District: South 24-Parganas, P.S:- Thakurpukur, Corporation: KOLKATA MUNICIPAL CORPORATION, Premises No: 37
 Ward No: 144, Project Name : Genex Valley Road: Diamond Harbour Road, Pin Code : 700104

Sch No.	Mouza/Road Zone	Plot	Khatian	Floor Area (in Sq.Ft.)	Set Forth Value (in Rs.)	Market value (in Rs.)	Other Details
A1	Zone Name: (Premises located on DH Road, but not in Wards 119-121, 123-126, 128, 130 -132 --),			Super Built-up Area: 1015	34,00,000 /-	39,28,050/-	Flat No: 4A T34, Floor No: 4, Apartment Type: Flat/Apartment Residential Use , Floor Type: Tiles, Age of Flat: 5 Year, Block or Building Name/Number : genexx , Property is on Road, Other Amenities: Lift Facility ,Swimming Pool, Club ,Gymnasium, New Flat ,Status of Completion : Completed

Seller Details :

Sl No	Name Address Photo Finger print and Signature
1	PAHARPUR BUILDERS PRIVATE LIMITED 8/1/B D H ROAD, Block/Sector: ALIPORE, City:- Not Specified, P.O:- ALIPORE, P.S:- Alipore, District:-South 24-Parganas, West Bengal, India, PIN:- 700027 , PAN No.: AAxxxxx0F, Aadhaar No Not Provided by UIDAI, Status : Organization, Executed by: Representative, Executed by: Representative

Bull

FRENCH MOTOR CAR CO. LTD.

234/3A, A. J. C. Bose Road, Police Station - Bhawanipur, Post Office - Lala Lajpat Rai Sarani, Kolkata:- 700 020, City:- Not Specified, P.O:- LALA LAJPAT RAI SARANI, P.S:-Bhawanipore, District:-South 24-Parganas, West Bengal, India, PIN:- 700020 , PAN No.:: AAxxxxxx5G,Aadhaar No Not Provided by UIDAI, Status :Organization as Confirming Party, Executed by: Representative, Executed by: Representative

Buyer Details :

Sl. No	Name/Address/Photo/Finger print and Signature
1	Mr SOUMENDRA KUMAR DUTTA Son of Late BARENDRA KUMAR DUTTA KABI MUKUNDRAM SARANI, Block/Sector: DURGAPUR, D39, City:- Not Specified, P.O:- BIDHANNAGAR, P.S:-New Township, District:-Paschim Bardhaman, West Bengal, India, PIN: 713212 Sex: Male, By Caste: Hindu, Occupation: Retired Person, Citizen of: India, PAN No.:: ABxxxxxx3G, Aadhaar No: 28xxxxxxxx6634, Status :Individual, Executed by: Self, Date of Execution: 22/07/2022 , Admitted by: Self, Date of Admission: 22/07/2022 ,Place : Pvt. Residence
2	Mrs SASWATI DUTTA Wife of Mr SOUMENDRA KUMAR DUTTA KABI MUKUNDRAM SARANO, Block/Sector: DURGAPUR, D39, City:- Not Specified, P.O:- BIDHANNAGAR, P.S:-New Township, District:-Paschim Bardhaman, West Bengal, India, PIN: 713212 Sex: Female, By Caste: Hindu, Occupation: House wife, Citizen of: India, PAN No.:: AUxxxxxx2E, Aadhaar No: 30xxxxxxxx7876, Status :Individual, Executed by: Self, Date of Execution: 22/07/2022 , Admitted by: Self, Date of Admission: 22/07/2022 ,Place : Pvt. Residence

Representative Details :

Sl. No	Name/Address/Photo/Finger print and Signature
1	Mr AMIT KUMAR BHOWMIK (Presentant) Son of Late AMAL KUMAR BHOWMIK 8/1/B D H ROAD, City:- Not Specified, P.O:- ALIPORE, P.S:-Alipore District:-South 24-Parganas, West Bengal, India, PIN:- 700027, Sex: Male, By Caste: Hindu, Occupation: Service, Citizen of: India, Aadhaar No Not Provided by UIDAI Status : Representative, Representative of : PAHARPUR BUILDERS PRIVATE LIMITED (as authorised signatory)
2	Mr SIDDHANT JATIA Son of Mr SANDEEP JATIA 234/3A, A.J.C. Bose Road, Police Station:- Bhawanipur, Post Office: Lala Lajpat Rai Sarani, Kolkata:- 700 020,, City:- Not Specified, P.O:- LALA LAJPAT RAY SARANI, P.S:- Bhawanipore, District:-South 24-Parganas, West Bengal, India, PIN:- 700020, Sex: Male, By Caste: Hindu, Occupation: Service, Citizen of: India, , PAN No.:: APxxxxxx3R,Aadhaar No Not Provided by UIDAI Status : Representative, Representative of : FRENCH MOTOR CAR CO. LTD.

Identifier Details :

Name	Photo	Finger Print	Signature
Mr SARABINDU SARDAR Son of Mr NIMAI SARDAR 37 BRIJI P N ROAD, City:- Not Specified, P.O:- GARIA, P.S:-Sonarpur, District:- South 24-Parganas, West Bengal, India, PIN:- 700084			

Identifier Of Mr SOUMENDRA KUMAR DUTTA, Mrs SASWATI DUTTA, Mr AMIT KUMAR BHOWMIK, Mr SIDDHANT JATIA ,

Transfer of property for A1

Sl.No	From	To. with area (Name-Area)
1	PAHARPUR BUILDERS PRIVATE LIMITED	Mr SOUMENDRA KUMAR DUTTA-507.500000 Sq Ft,Mrs SASWATI DUTTA-507.500000 Sq Ft



Amurwa - A/H.

New Star Studio
<newstarstudio1970@gmail.com>

Fwd: Application seeking a xerox copy of registered General Power of Attorney(GPA) appointing Mr. A. K. Bhowmik as constituted Attorney to act on behalf of PBPL

1 message

Soumendra Dutta <soumendra.adv@gmail.com>

2 January 2024 at
13:32

To: newstarstudio1970@gmail.com

----- Forwarded message -----

From: Soumendra Dutta <soumendra.adv@gmail.com>

Date: Fri, 1 Dec 2023, 21:53

Subject: Re: Application seeking a xerox copy of registered General Power of Attorney(GPA) appointing Mr. A. K. Bhowmik as constituted Attorney to act on behalf of PBPL

To: prem kumar singh <premb4u2008@gmail.com>

Cc: AMIT BHOWMIK <a.bhowmik@paharpur.com>

Thank you for the information.

So, once a Board Resolution of the Company is submitted to the Registering Authority, it becomes a public document that you can share with me.

Hope to hear you soon.

Thanks for your prompt response.

SOUMENDRA KR. DUTTA
GENEXX VALLEY, T-34/4A.

On Fri, Dec 1, 2023 at 1:14 PM prem kumar singh
<premb4u2008@gmail.com> wrote:

Dear Sir,

It is not clear to us what documents are sought for.
No GPA is issued in favour of Mrm Bhowmik.

bel

Contd... P/2

Mr. Bhowmik was/is authorised signatory of PBPL through Board Resolution.

The same was submitted to the Registration office.

If you want to verify you can take prior appoint of Mr. Bhowmik and check the same.

Trust cleared your queries.

Thanks and regards

Prem Kumar Singh

Adv

On Fri, Dec 1, 2023, 12:51 Soumendra Dutta

<soumendra.adv@gmail.com> wrote:

Dear Mr. Bhowmik,

Greetings post all the social festivals.

I need a Xerox copy of the registered GPA appointing you as a constituted Attorney/authorized signatory authorizing you to act on behalf of PBPL, Vendor to execute the deed of conveyance in favour of the prospective buyers of the flats at Genexx Vally, Joka. A copy of the GPA was also asked for at the time of registration of the property (T-34./4A) registered last year on 22nd July 2022. But for lack of persuasion post registration of flat the matter kept in abeyance till now. Copies of a few relevant papers are attached herewith for ready reference.

You would appreciate that amongst other documents, a buyer also deserves a copy of a registered GPA by virtue of which a deed of conveyance is executed by a constituted Attorney on behalf of the Seller/Vendor, PBPL.

I, therefore, request you to please favour me with a Xerox copy of a registered GPA if it is not otherwise restricted or exempted from disclosure as per Company's policy and oblige

Hope to hear you soon.

Thanking you,
Sincerely yours,

SOUMENDRA KR. DUTTA

Tower - 34, Flat - 4A

Genexx Valley, Joka

9474120087



Fwd: I am sharing 'BR-authn of AB-12Dec19.pdf' with you from WPS Office

1 message

Soumendra Dutta <soumendra.adv@gmail.com>

Thu, Feb 15, 2024 at 12:48 PM

To: h.b.micrographics43@gmail.com

----- Forwarded message -----

From: **Soumendra Dutta** <soumendra.adv@gmail.com>

Date: Sat, 10 Feb 2024, 12:27

Subject: Re: I am sharing 'BR-authn of AB-12Dec19.pdf' with you from WPS Office

To: prem kumar singh <premb4u2008@gmail.com>

Dear Mr. Singh,

Good noon!!

Thanks for sharing the document.

But I need a receipt copy of said document officially received by the Public Authority to counter their reply made in response to a RTI application informing that it is not in their records through an appeal u/s.19(1) of RTI Act.

Hope to hear you soon.

Soumendra kumar Dutta

On Fri, 9 Feb 2024, 17:28 prem kumar singh, <premb4u2008@gmail.com> wrote:

Dear Sir,

PFA as requested

Regards

Prem

On Fri, Feb 9, 2024 at 4:01 PM Soumendra Dutta <soumendra.adv@gmail.com> wrote:
9474120087

On Fri, 9 Feb 2024, 14:36 prem kumar singh, <premb4u2008@gmail.com> wrote:

Dear Sir,

Please provide your whats app number so that will share the same to you

Thanks and Regards

Regards

Prem

On Fri, Feb 9, 2024 at 2:01 PM Soumendra Dutta <soumendra.adv@gmail.com> wrote:
FYI, Your attachment as stated is yet to reach me.

Thanks,

Soumendra kr. Dutta

On Fri, Feb 9, 2024 at 12:38 PM prem kumar singh <premb4u2008@gmail.com> wrote:

Dear Sir,

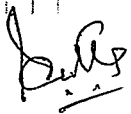
PFA as desired by you

Thanks and regards

Prem Kumar Singh

Advocate

9831779278



PAHARPUR BUILDERS PRIVATE LIMITED

Registered Office: 8/1/B, Diamond Harbour Road, Kolkata-700027

Ph: (033) 4013 3000; Fax: (033) 4013 3799

CIN: U70102WB2014PTC204600

CERTIFIED TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF THE COMPANY HELD ON 12TH DECEMBER, 2019 AT THE REGISTERED OFFICE OF THE COMPANY AT 8/1/B, DIAMOND HARBOUR ROAD, KOLKATA 700027

"RESOLVED THAT Mr. Amit Kumar Bhowmik, authorised representative of the Company, be and is hereby authorised to:

- (a) Sign Agreements for Sale, Nomination Agreements, Conveyance Deeds and any other documents as may be required in connection with Real Estate project of the Company at Genexx Valley, Diamond Harbour Road, Kolkata.
- (b) Appear, sign, verify, declare, affirm, present, submit and file all necessary notices, complaints, petitions, written statements, affidavits, undertakings, vakalatnamas, declarations, indemnities, appeals, revisions, applications, counters, replies, caveat, complaints, papers and documents in connection with any suit(s) or proceeding(s) filed by or against the Company before any court of law or any tribunal or any quasi-judicial or statutory or administrative authority and
- (c) Nominate, appoint and engage advocates, solicitors, counsel or other professionals and retainers; and to do all such acts, things, deeds as may be required from time to time in connection with sale of apartments of the company or any disputes related to the same.
- (d) to sign all documents, plans, applications, forms, correspondence with statutory authorities and Government Departments and any other documents as may be required in connection with the Real Estate Project at Genexx Valley, Diamond Harbour Road, Kolkata.

"RESOLVED FURTHER THAT the above named Authorised Representative of the Company be and is hereby authorised to defend the Company from any legal proceedings or counter claim that may be initiated and/or raised against the Company by any of the Customers/sub-contractors/Vendors of the Company.

"RESOLVED FURTHER THAT a copy of this resolution duly certified by any of the Directors of the Company be forwarded to the concerned Authorities for their record.

"RESOLVED FURTHER THAT the foregoing resolution shall remain valid and operative until the same is modified, rescinded or amended by a Board Resolution."

For Paharpur Builders Private Limited



Director





Government of West Bengal
Office of District Registrar, South 24 Parganas

Memo. No 26 /RTI /DR S-24-Pgs

Date. 10/1/2024


From : The District Registrar, South 24-Parganas.

To : The DSR- III ,Alipore South 24- Parganas.

Sub : Request to provide the required information under RTI Act, 2005.

In sending herewith an application dated 3/1/2024 of Soumendra Kr Dutta. I am to request you to provide the required information as sought for under RTI Act, 2005 directly to above applicant with an intimation to the undersigned.

Encl:- As above.


SPIO & District Registrar
South 24-Parganas
10/1/2024


Memo No 26 /1/ RTI/DR S-24-Pgs

Date 10/1/2024

Copy forwarded for information to :

1) Soumendra Kr Dutta.

Of- 37,D.H. Road,Genexx Valley, Tower-34, Flat-4A, Joka.
Kol-700104.


SPIO & District Registrar
South 24-Parganas
10/1/2024





Government of West Bengal
Office of District Registrar, South 24 Parganas

Memo. No 196 /RTI /DR S-24-Pgs

Date. 31/1/2024

From : The District Registrar, South 24-Parganas.

To: Soumendra Kumar Dutta,
Of-37 D.H. Road, Genexx Valley, Tower-34,
F/4A, Joka Kol-104.

Sub: Information under RTI Act 2005.

Ref: DSR -III , Alipore, Memo No 12 Dtd 15/1/2024

Sir,

In response to your letter dated 31/1/2024 the Undersigned forward herewith a copy of RTI reply of DSR-III, Alipore, South 24- Parganas.

This is for information.

Encl: Photocopy of RTI reply.

SPIO & District Registrar
South 24-Parganas.
31/1/2024

Recd
on 02/02/2024
Dutta
02/02/24

Dutta

Annexure - A/4.



GOVT OF WEST BENGAL

Office of the District Sub-Registrar-III, South 24 Pgs
Alipore, Kolkata - 700027

Memo No: 012

Date: 15.01.2024

To
The SPIO & District Registrar, South 24 Parganas,
Alipore, Kolkata - 700027.

Ref: - Your Letter No. 26/RTI/DR-S-24 Pgs, Dt. 10.01.2024

Sub: - Information under R.T.I. Act, 2005.

Sir,

In response to your letter vide Memo No. 26/RTI/DR-S-24 Pgs, Dt. 10.01.2024, I have the honour to inform you that we did not find any board resolution appointing Mr. Amit Kumar Bhowmick as Authorized Signatory to act on behalf of M/s. Paharpur Builders Pvt.Ltd. in the matter of execution and registration of deed of conveyance being no. I-11460/2022 dated on 22.07.2022.

Thanking You,
Yours faithfully,

District Sub-Registrar III, South 24 Pgs
Alipore, Kol- 700027
District Sub- Registrar III
Alipore, South 24 Parganas

Annexure - A/5

EW445970791IN IVN:69E7445970791
SF JOKA 50 (700104)
Counter No:1,16/02/2024,12:32
To:JT INSPECTOR, OF REVENUE
PIN:700001, KOLKATA GPO
From:SOUMENDRA KR DUTTA,
Wt:70gms
Amt:29.50(Cash)/ax:4.50
<Track on www.indiapost.gov.in>

Before
The Hon'ble First Appellate Authority(FAA)
(Under RTI Act, 2005)
&
The Jt. Inspector General of Revenue,
Directorate of Registration & Stamp Revenue,
Govt. of West Bengal, Fortuna Tower, 9th Floor,
23A, N S Road, Kolkata – 700001.

Sub: First Appeal u/s.19(1) of R T I Act, 2005 against the unsatisfactory response of SPIO to the application dated ~~03-01-2024~~ seeking information u/s.6(1) of the Act.(copy enclosed).

Ref: Memo No.196/RTI/DR S-24-Pgs dated 31/01/2024 enclosing the reply dated 15/01/2024

Respected Sir,

Most humbly the Appellant beg to submit that he made an application on 03/01/2024(Copy enclosed and marked as Annexure – A/1) u/s..6(1) of R T I Act, 2005 to the State Public Information Officer & the District Registrar, South 24 Pgs at Alipore, Kolkata - 700027 seeking following information and on receipt of response from the SPIO vide above referred letter it appears to the appellant that the same is uncalled for and unacceptable that even speaks itself against the Public Authority, so far the subject matter is concerned. Therefore, being aggrieved with the halfhearted/arbitrary response of SPIO, this first appeal is being filed u/s.19(1) of the Act for its review and appropriate response to a specific query of the appellant which is responded very casually which is detrimental to the objectives of the RTI Act, namely, creating an informed citizen of country and ensuring the establishment of a practical regime of transparency in the activities in the office of a Public Authority.

Details of Information sought under Sec.6(1) of R T I Act, 2005 and the response received from the concerned SPIO are furnished hereunder for your kind perusal and ready reference.

Query No.1) Copy of Board (BOD) Resolution appointing Mr. Amit Kumar Bhowmik as authorized signatory to act on behalf of M/s. Paharpur Builders Pvt. Ltd in the matter of execution and registration of Deed of Conveyance on 22/07/2022 in r/o. FLAT NO.4A, TOWER NO.34, OF GENEXX VALLEY, a Real-estate Project of M/s. Paharpur Builders Pvt. Ltd, situated at 37, D H Road, PO: Joka, PS: Haridevpur, KMC Ward No.144, Mouja Joka, Kolkata – 700104

Response of SPIO to Query No.1 : " In response to your letter vide Memo No.26/RTI/DR-S-24 Pgs dated 10/01/2024, I have the honour to inform you that we did not find any board resolution appointing Mr. Amit Kumar Bhowmick as Authorised Signatory to act on behalf of M/s. Paharpur Builders Pvt. Ltd in the matter of execution and registration of deed of conveyance being no.1-11460/2022 dated on 22-07-2022. " (Copy of OM No.196/RTI/DR S-24-Pgs dated 31/01/2024 along with OM No012 dated 15/01/2024 is enclosed herewith and marked as Annexure – A/2)

Contd...page...2

Bullis
16/02/2024

Bullis

That, on receipt of the above referred reply from the SPIO on 07/02/2024, the appellant contacted via e-mail dated 09/02/2024, to the Vendor, M/S. Paharpur Builders Pvt. Ltd who earlier claimed that a copy of Board Resolution authorizing Mr. Amit Kumar Bhowmik was submitted before the Registering Authority for the purpose and asked them to share a copy of said Board Resolution which they sent via e-mail dated 09/02/2024 which is enclosed herewith and marked as Annexure – A/3.

That, since the document (Bard Resolution signed by a Director of the Company) sent by the Vendor bears no official receipt of the Public Authority to counter his reply made in response to a RTI application informing that it is not in their records through an appeal u/s.19(1) of RTI Ac, the appellant ask them to receipt copy of board resolution by the Public Authority. But, on receipt of my e-mail dated 10/02/2024, the concerned Vendor, typically, become silent on the subject. Further, it is to submit that when an application under RTI is disposed of by the SPIO, a footnote stating that if the applicant is not satisfied with the reply, he may apply to the First Appellate Authority citing the address of the FAA. Such, a formal stipulation is absent in the reply of SPIO. The copies of relevant emails are enclosed herewith for your kind perusal and marked as Annexure – A/4 series.

Sir, right to information finds its root in the Fundamental Right as enshrined under the Constitution of India and the core objectives of the RTI Act is to create an informed citizen of country and ensuring the establishment of practical regime of transparency in an office of Public Authority and providing an arbitrary/contradictory reply to public, the said objectives of the Act stands defeated.

Hence, it is humbly prayed that the Hon'ble Appellate Authority shall be pleased to pass necessary order(s)/directions in the matter so that the reply to Query made under RTI Act is reviewed and specific information is provided to the Petitioner/Appellant by the concerned public authority at an early date.

Further, the appellant understands to the best of his knowledge that the information sought herein above does not fall within the restriction contained in Section 8 & 9 of the R T I Act, 2005 and it pertains to the deptts/office under your control.

Appellant shall therefore, be highly obliged if considering the submission made by the Appellant and the information sought by him are delivered to the Appellant in accordance with the provision of Sub-Sec.6 of Sec.19 of R T I Act, 2005

And for this act of kindness, the Appellant shall remain ever dutybound.

VERIFICATION

Verified that the statements made above by the Appellant are true and correct to the best of his knowledge and belief and rest are his humble submission before the Hon'ble First Appellate Authority.

Appellant signs this verification at Kolkata on this 16th day of February, 2024..

Dated: 16/02/2024

FOR & BEHALF OF THE APPELLANT

Dutta
(SOUMENDRA KUMAR DUTTA)
APPELLANT

37, D H Road, Genexx Valley,
Tower -34, Flat – 4A,
Joka, Kolkata – 700104.
Cont.No.9474120087.

Encl : As stated above.(Annexure- A/1 to A/4)

Dutta

Annexure - A/6.

by Reg. Post

Government Of West Bengal
Directorate Of Registration & Stamp Revenue
Fortuna Tower , 9 th Floor
23 A, N.S. Road , Kolkata – 700001

Name of the Applicant : Sri Soumendra Kumar Dutta, Appeal No. 78 of F.Y. 2023-2024
Ref : Appeal u/s 19(1) of the RTI Act , 2005

ORDER

Memo No. 560 / DRSR-16/1/2023-ESTT SEC-DRSR

Dated : 22.02.2024

In reply to the appeal dated 16.02.2024 filed on 19.02.2024 by Sri Soumendra Kumar Dutta before the First Appellate Authority u/s 19(1) of the RTI Act , 2005, this is to inform that as per guideline No. 9 issued by the Department of Personnel & Training, Government of India vide OM No. 1/3/2008-IR dated 25.04.2008 on the RTI Act, 2005 (may be searched from Google), only such information is required to be supplied under the Act which already exists and is held by the public authority or held under the control of the public authority. It is beyond the scope of the Act to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions.

In reply to his application dated 03.01.24 under the RTI Act, 2005 submitted by the applicant before the SPIO & D.R., South 24 Parganas, the SPIO & D.R., South 24 Parganas has replied to his query vide Memo No. 196/RTI/DR S-24-Pgs dt. 31.01.2024. But the applicant is not satisfied with the reply supplied to him and being aggrieved with the reply, the applicant has made this appeal before the Jt. I.G.R., W.B. & First Appellate Authority

However, the SPIO & D.R., South 24 Parganas will take necessary action to help the applicant for getting his accessible information only as per provisions of RTI Act, 2005, if that information already exists and is held by him or held under his control.

With the above direction, the appeal stands disposed of.

However, if aggrieved, the party concerned may prefer second appeal before the State Chief Information Commissioner, West Bengal, Khadya Bhawan, 11A , Mirza Ghalib Street, Kolkata – 700087.

Encl : Copy of the appeal with enclosures.

sd/r

Jt. I.G.R. , W.B. & First Appellate Authority

Memo No. 560 / (2)/DRSR-16/1/2023-ESTT SEC-DRSR

Dated : 22.02.2024

Copy forwarded for information and taking necessary action to:

- (1) SPIO & D.R., South 24 Parganas, 6 , Biplabi Kanailal Bhattacharya Sarani , Alipore Police Court Compound,P.O. – Alipore ,Kolkata - 700027
- ✓(2) Sri Soumendra Kumar Dutta, 37, D.H. Road , Genexx Valley , Tower – 34 , Flat – 4A, Joka , Kolkata – 700104

Jt. I.G.R. , W.B. & First Appellate Authority

*Recd
on 24/02/2024
[Signature]*

Nandlal B Pardeshi vs Mumbai Port Trust on 25 April, 2018

Central Information Commission

Nandlal B Pardeshi vs Mumbai Port Trust on 25 April, 2018

CENTRAL INFORMATION COMMISSION

Baba Gangnath Marg,

-110067

Munirka, New Delhi-110067

Tel: 011 - 26182593/26182594

Email: registrycab2018@gmail.com

File No :CIC/MPTRS/A/2017/109173

In the matter of:

Nandlal B Pardeshi

...Appellant

Vs.

CPIO and Sr. Asstt. Estate Manager(Unit 9-12),
Mumbai Port Trust, Estate Department, 3 floor,
Vijaydeep, S V Marg, Ballard Estate, Mumbai,
Maharashtra- 400001

...Respondent

	Dates
RTI application	: 17.10.2016
CPIO reply	: 16.12.2016
First Appeal	: 03.11.2016
FAA Order	: 03.12.2016
Second Appeal	: 24.01.2017
Date of hearing	: 04.04.2018
Facts	

The appellant vide RTI application dated 17.10.2016 sought information on five points as to whether land bearing Cadastral Survey No 326 of Colaba division falls under the entry of Section VIII(1) read with Schedule B of the Bombay Port Trust Act, 1873, whether the said land falls under the entry of Section VIII(2) read with Schedule C of the Bombay Port Trust Act, 1873 and other related information. The CPIO provided a reply. The appellant was not satisfied with the reply of the CPIO and filed a first appeal on 03.11.2016. The First Appellate Authority (FAA) disposed of the appeal by virtue of its order dated 03.12.2016. After the First Appellate Authority's order, the CPIO sent a reply dated 16.12.2016 and asked the appellant to pay Rs 104/- as photocopying charges for providing the relevant information. Aggrieved with the non-supply of the desired information from the respondent authority, the appellant filed a second appeal under the provision of Section 19 of the RTI Act before the Central Information Commission on 24.01.2017.

Grounds for Second Appeal The CPIO did not provide the desired information.

Order

Appellant :	Present
Respondent :	Absent

The respondent was absent despite valid and timely notice of the CIC for which warning is issued to the concerned respondent PIO. The concerned PIO should desist from committing such mistake in future. He should either take prior permission of the Commission before absenting himself from the hearing or he should send proper representative to the Commission's hearing after obtaining due permission from the Commission for doing so and after briefing the authorised representative duly.

The appellant contested the replies provided by the CPIO dated 16.12.2016 and the First Appellate Authority (FAA)'s order dated 03.12.2016 and moreover the information which had been provided by the respondent authority was merely a copy of the Bombay Port Trust Act, 1873 . The appellant submitted that the reply of the CPIO was self-contradictory as in the first para of the said reply, the information had been denied stating that the Public Authorities are not required to create information, to interpret information, to solve problems or to furnish replies to hypothetical question and in second para of the same reply, the CPIO had provided some information. The representative of the appellant also relied on CIC Order no CIC/SG/A/2008/00347+1544 dated 09.02.2009.

The relevant para of the above mentioned CIC decision is extracted below:

"The PIO and the first appellate authority have erred in their interpretation of what constitutes 'information' as defined under the RTI act. Section 2 (f) of the act states, "information" means any material in any form, including records, documents, memos, emails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;".

The PIO has stated, 'The RTI Act does not cast on the Public Authority any obligation to answer queries, in which a petitioner attempts to elicit answer to the questions with prefixes, such as, why, what, when and whether. The petitioner's right extends only to seeking information as defined in section 2(f) either by pinpointing the file, document, paper or records, etc, or by mentioning the type of information as may be available with the specified public authority.

You may only ask for specific information under RTI Act, 2005 rather than questioning the action of public authority.' The RTI act does not state that queries must not be answered, nor does it stipulate that prefixes such as 'why, what, when and whether' cannot be used. The PIO is right in accepting that what is asked must be

a matter of record, but errs in imposing a new set of non-existent exemptions."

The Commission does not fully subscribe to the above said observation as the queries in the nature of "why" & "when", per se do not disentitle an applicant from seeking information under Section 2(f) of the RTI Act. In case there is any record available in regard to any question raised in an RTI application, the same needs to be provided under Section 7(1) of the RTI Act. When however these questions are mostly hypotheses/opinion expressed opinions involving no record/document maintained by the respondent authority, one can safely disregard these as not being covered under the definition of "information" as enunciated exhaustively u/s 2(f) of the RTI Act.

Be that as it may, since no desired information was provided to the appellant in the present case, the respondent CPIO is directed to provide point wise reply complete in all respects to the appellant as available on record in the form of certified true copies of the documents sought e.g. circulars, office orders, correspondence, e-mail etc. (legible copies), free of charge u/s 7(6) of the RTI Act within 15 days of the receipt of the order. For this purpose, the concerned CPIO/PIO, can take assistance of any other office/department u/s 5(4) of the RTI Act.

The respondent CPIO is further directed to send a report containing the copy of the revised reply and the date of despatch of the same to the RTI appellant within 07 days thereafter to the Commission for record.

On the other hand if there are no records about any of the above points, the PIO must state this categorically.

With the above observation/direction, the appeal is disposed of. Copies of the order be sent to the concerned parties free of cost.

[Amitava Bhattacharyya] Information Commissioner Authenticated true copy (A.K. Talapatra)
Deputy Registrar

Mr. T.B.Dhorajiwala vs Indian Institute Of Technology ... on 9 February, 2009

Central Information Commission

Mr. T.B.Dhorajiwala vs Indian Institute Of Technology ... on 9 February, 2009

CENTRAL INFORMATION COMMISSION

Room No. 415, 4th Floor,
Block IV, Old JNU Campus,
New Delhi -110067.
Tel: + 91 11 26161796

Decision No. CIC /SG/A/2008/00347+00277/1554

Appeal No. CIC/SG/A/2008/00347+00277

Relevant Facts

emerging from the Appeal Appellant : Mr. T.B.Dhorajiwala, 232, Maulana Azad Road, 2nd Floor,
Room No. 26, Mumbai - 400008.

Respondent 1 : Dr. Indu Saxena,
Deputy Registrar(Admn) & P.I.O,
Indian Institute of Technology Bombay,
Powai, Mumbai - 400076.

RTI application filed on : 25/08/2008
PIO replied : 24/09/2008
First appeal filed on : 06/10/2008
First Appellate Authority order : 03/11/2008
Second Appeal filed on : 01/12/2008

The appellant had asked in RTI Application regarding Tender for disposal of Unserviceable equipments of Chemical Engineering Department, IIT Powai. Tender No. MD/CD/DISP/001/07/REG/L/ due was on 24/08/2007. Detail of required information:-

1. What happened of Tender No. MD/CD/DISP/001/07/REG/L/ which was due on 24/08/2007. for disposal of Unserviceable equipments.
2. Let me know why you had not Re-Invite of above tender.
3. Let me know what stage the matter is at present.
4. Let me know what action you had taken against offender.
5. Let me know person name who had involved in this matter.

The PIO replied.

"The RTI Act does not cast on the Public Authority any obligation to answer queries, in which a petitioner attempts to elicit answer to the questions with prefixes, such as, why, what, when and whether. The petitioner's right extends only to seeking information as defined in section 2(f) either

by pinpointing the file, document, paper or records, etc, or by mentioning the type of information as may be available with the specified public authority.

You may only ask for specific information under RTI Act, 2005 rather than questioning the action of public authority.

Please note that the appellate authority for IIT Bombay, under the Right to Information Act, is Shri B.S. Punalkar, offg. Registrar, IIT Bombay and your appeal, if any, should reach with in 30 days from the receipt of this letter.

The First Appellate Authority ordered:-

"With reference to your appeal as mentioned above, it is stated that the CPIO has taken right stand in dealing with your application dt. 25/08/2008.

However, you may mention what exact information as defined under Section 2(f) read with section 2(i) & 2(j) of the RTI Act, which will be provided.

The IPO's No. 68 E 009314 & 68 E 009315 dt. 05/09/2008 submitted with the appeal is being return.."

Relevant Facts emerging during Hearing:

The following were present Appellant: Absent Respondent: Absent The respondent has sent a written submission in which he repeats the grounds for denying the information by the PIO and also adds that the appellant had stated in his appeal that he was seeking 'clarification of his queries'.

The PIO and the first appellate authority have erred in their interpretation of what constitutes 'information' as defined under the RTI act. Section 2 (f) of the act states, "information" means any material in any form, including records, documents, memos, e- mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;".

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emerging from the Appeal Appellant : Mr. T.B.Dhorajiwala, 232, Maulana Azad Road, 2nd Floor,
Room No. 26, Mumbai - 400008.

Respondent 1	:	Dr. Indu Saxena, Deputy Registrar(Admn) & P.I.O, Indian Institute of Technology Bombay, Powai, Mumbai - 400076.
RTI application filed on	:	25/08/2008
PIO replied	:	24/09/2008
First appeal filed on	:	06/10/2008
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Second Appeal filed on	:	01/12/2008

The appellant had asked in RTI Application regarding Tender for disposal of Unserviceable equipments of Chemical Engineering Department, IIT Powai. Tender No. MD/CD/DISP/001/07/REG/L/ due was on 24/08/2007. Detail of required information:-

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The Commission now looks at the queries of the appellant:

1. What happened of Tender No. MD/CD/DISP/001/07/REG/L/ which was due on 24/08/2007. for disposal of Unserviceable equipments. Commissions direction: If there was such a tender, it will be on records and the PIO must provide the information.
2. Let me know why you had not Re-Invite of above tender. Commission's direction: If the tender was there and there are any reasons on record why it was not re-invited, the PIO must provide them.
3. Let me know what stage the matter is at present. Commission's direction: If there is any record of this it must be given.
4. Let me know what action you had taken against offender.
5. Let me know person name who had involved in this matter. Commission's direction: If there is any offender identified in the matter details of point 4 and 5 would have to given based on the records.

On the other hand if there are no records about any of the above points, the PIO must state this categorically.

Decision:

The Appeal is allowed.

The PIO will give the information as outlined above to the appellant before 25 February 2009.

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties.

Shailesh Gandhi Information Commissioner February 09, 2009.

(In any correspondence on this decision, mentioned the complete decision number.)

Hearing on 14-01-2026

State Chief Information Commissioner West Bengal < scic-wb@nic.in >

Tue, 23 Dec 2025 1:12:55 PM +0530

To "Prasanta Mukhopadhyay"<drn24pgs.igr-wb@nic.in>,"ABHIJIT
BERA"<acsrperac.igr-wb@nic.in>,"Asim Saha"<jtcsraudit.igr-wb@nic.in>

Cc "soumendra adv"<soumendra.adv@gmail.com>

Please find the attachment, for further details visit our website

West Bengal Information Commission

1 Attachment(s)

WBIC-RTI-A-100248-685-2024...

16.3 KB