

Second Appeal/Complaint- Facilitation Memo



Central Information Commission
CIC Bhawan, Baba Gangnath Marg, Munirka,
New Delhi - 110 067

Diary No: 130128 / 2024

Date: 26-09-2024

To:

The Secretary
West Bengal Information Commission 11A,
Mirza Galib Street, Khadya Bha wan,
Kolkatta - 700087

Madam/Sir,

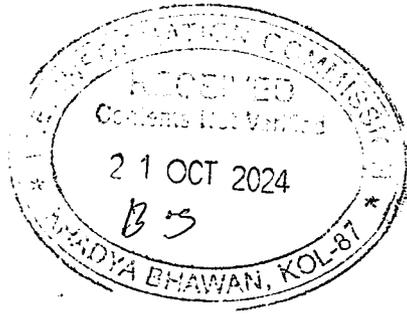
A Second Appeal/Complaint dated 06-09-2024 filed by Sh. Arun Kumar Singh in this Commission against Deputy Commissioner of Police is sent herewith for necessary action as the same pertains to West Bengal Information Commission.

Deputy Registrar(CR-I)

Enclosure as above

Copy To
Arun Kumar Singh
D/4 Indigo Residency Pradhan Para Zila
Parishad Road Near Hill View Residency
Jalpaiguri District Salugara Siliguri
Darjeeling-734008
West Bengal,India

Handwritten notes:
20
- pl discuss
WR
21/10/24



Arun Kumar Singh

BSc, LLB, DCP, HWA, FIII (III) & CIAFP(III)
Rtd.SDM (NIGL Ltd).

Advocate (F/627/1045 /2023)

Calcutta high court (Circuit Bench Jalpaiguri
& District court Jalpaiguri, Sub -Divisional
court at Siliguri.



D/4, Indigo Residency
Pradhan Para, Zila Parishad Road
Near Hill view Residency
Jalpaiguri District
Salugara, Siliguri -734008
9800090002, 8373061642, 9832096032
arunsingh7770@gmail.com

To, The CPIO
Central Information Commission
CIC Bhawan, Baba Gangnath Marg
Munirka, New Delhi - 110 067

06-09-2024

Ref:- 2nd Appeal 1/24

Subject: Second Appeal under Section 19(3) of the Right to Information Act, 2005

1. Name of the Appellant:

Arun Kumar SINGH

2. Address of the Appellant:

D/4, Indigo Residency
Pradhan Para, Zila Parishad Road
Near Hill view Residency
Jalpaiguri District
Salugara, Siliguri -734008
9800090002, 8373061642

3. Details of the Public Information Officer (PIO):

THE STATE PUBLIC INFORMATION OFFICER
Dy. Commissioner of Police
(HQ), Siliguri.
Mallaguri Police Line, PO- Pradhan Nagar,
PS-Matigara, PIN - 734003. 2023

130/28
18/9/2024

4. Details of the First Appellate Authority (FAA):

Commissioner of Police
(HQ), Siliguri.
&
Fist Appellate Authority
Siliguri Police Commissionerate
Siliguri Metropolitan Police
Siliguri police Commissionerate
P.O. Pradhan Nagar, Siliguri (W.B)
PIN 734003

5. Particulars of the RTI Application:

- Date of RTI Application: 28/05/2024



Details of Information Sought:

1. Certified copy of **Seizure List** of all the goods/vehicles and documents **in all respective details** in relation to **NJP P.S CASE NO 1149/2023 dated 27/09/2022.**
2. **Post Mortem Report or injury report** of the injured or the deceased and U/D case No. if the victim had died cause of the accident.
3. **Certified Copy of the FIR and complain letter** with proper details of the names of the accused and complainant.
4. **Certified Copy of Charge sheet.**
5. **Name and designation of the Investigating officer in charge of the above-mentioned case number along with his office address and phone no.**
6. **Certified Copy of U.D Case. (If the victim died)**
7. **Certified Copy of Inquest report.**
8. Certified copy of the Case Diary indicating the name of persons arrested in connection with the said F.I.R.
9. Certified Copy of the Investigation Report.
10. Copy of record and statements of the accused and witnesses recorded during investigation.
11. **Certified copy of DL of accused driver as per seizure list.**

- **Date of Submission of RTI Application: 28/05/2024**
- **Reference Number (if any): Bajaj/000000279/3-24/NJP PS/SLG/coms/AKS/24**

6. Particulars of the First Appeal:

- **Date of First Appeal: 27/07/2024**
- **Grounds for Appeal: Closer of matter unreasonably.**
- **Reference Number of the First Appeal: letter dated 27/7/2024**
- **Decision of the FAA (if any): Closer of our request supporting unreasonable grounds of SPIO. Copy of all correspondences attached for your perusal.**

7. Grounds for Second Appeal:

- **Non-receipt of the requested information within the prescribed period.**
- **Decision of FAA unsatisfactory.**
- **Additionally, the issuance of a letter citing an incorrect section of the RTI Act, along with providing a mere two-day window for response, demonstrates a prejudiced approach on the part of the SPIO, the reasons for which are unclear. Copy of letter and our reply is attached.**

Our request was denied despite the payment of the requisite fees, citing Section 11 of the RTI Act. In our view, whenever information is required for the completion of an internal investigation by the insurance company, it cannot be completed without the necessary documents from the police authorities, who have registered the FIR and conducted the investigation. The FIR, Seizure List, statements under Section 161 CrPC, and the chargesheet (if the investigation has been completed) are public documents. However, they were denied on the grounds of Section 11 of the RTI Act.



8. Prayer/Relief Sought:

- Kindly direct the concerned PIO to furnish the requested information immediately.
- Impose penalties under Section 20(1) of the RTI Act for the delay/failure to provide information.
- Any other appropriate relief as deemed fit.

9. Enclosures:

- Copy of the RTI Application
- Copy of the response from the PIO (if any)
- Copy of the First Appeal
- Copy of the decision of the First Appellate Authority (if any)
- Copy of our reply to SPIO and 1st appellate authority.

10. Declaration:

I hereby declare that the information provided in this appeal is true to the best of my knowledge and belief, and I have not concealed any material facts.

Thanking you,

Yours truly

(Arun Kumar Singh)

Advocate

&

Investigator (Bajaj General Insurance CL Ltd.)

Siliguri / Jalpaiguri

ARUN KUMAR SINGH
Bsc, LLB, DCP, HWA, FIII & CIAFP
Rtd. SDM (NIC Ltd.)
ADVOCATE
(F/627/1045/2023)
& Investigator Siliguri / Jalpaiguri
Call : 83730 61642



Arun Kumar Singh

BSc, LLB, DCP, HWA, FIII (III) & CIAFP(III)
Rtd.SDM (NICL Ltd).

Advocate (F/627/1045 /2023)

Calcutta high court (Circuit Bench Jalpaiguri
& District court Jalpaiguri, Sub -Divisional
court at Siliguri.



D/4, Indigo Residency
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Near Hill view Residency
Jalpaiguri District
Salugara, Siliguri -734008
9800090002, 8373061642, 9832096032
arunsingh7770@gmail.com

To

5.09.2024

Commissioner of Police
(HQ), Siliguri.

&

Fist Appellate Authority

Siliguri Police Commissionerate

Siliguri Metropolitan Police

Siliguri police Commissionerate

P.O. Pradhan Nagar, Siliguri (W.B)

PIN 734003

Sir

Ref: Reply on Your memo No 444/RTI cell/ SPC & Memo no 443 /RTI Cell/SPC.

Subject: Objection and Protest Regarding SPIO's Denial of Information and Appeal Decision.

Dear Sir,

I would like to express my sincere gratitude for your response to my appeal filed under the RTI Act. However, I regret to inform you that despite your intervention, the SPIO has denied the requested information by invoking Section 11, citing third-party information. This denial was made even though the purpose for which the information was required was clearly stated.

The cases in question, New Jalpaiguri PS Case No. 1149/2023 and Bhakti Nagar PS Case No. 1184/2013, were mentioned explicitly in the application. Despite this, the SPIO has incorrectly invoked Section 11, thereby failing to provide the information necessary for completing the internal investigation required by the insurance company to settle the matter promptly. Furthermore, in the NJP PS Case No. 1149/2023, I had clearly pointed out that the FIR was lodged 49 days after the accident, which raises serious concerns about the possibility of fraud and the conversion of a non-RTA case into an RTA case.

I had also expressed concern that if this were indeed a legitimate RTA case, a Suo moto FIR should have been lodged by the patrolling police on the day of the incident, as is customary. Unfortunately, my concerns appear to have gone unheard, and the SPIO has continued to deny the information on incorrect grounds. I am concerned that this is potentially the reason for the denial, as I have raised suspicions about fraudulent activities.

This is not an isolated incident; SPIO Siliguri has previously failed to provide information even after I submitted the requisite fees. In one instance, I had appealed to you regarding several cases of non-compliance, and I was called for a personal hearing via Memo No. 252/RTI Cell/SPC on 18/06/2024. I attended the hearing on 28/06/2024, but it turned out to be a distressing and unproductive experience, which I also brought to your attention through a formal complaint.

Due to this experience, I decided not to attend the personal hearing scheduled for 23/08/2024 regarding the current cases. I find it perplexing to be called for personal hearings by your office when SPIOs from

other regions are complying with similar RTI requests without invoking Section 11 or requiring personal appearances.

While I do not wish to question your authority or privilege as a public official, I wish to express my strong objection to the arbitrary actions of the SPIO in this matter. Therefore, I respectfully inform you that I will be filing a second appeal with the Central Information Commission (CIC) and will be enclosing all relevant correspondence for their consideration.

I trust that you will understand my concerns and take the necessary steps to address this issue in the future.

Thank you for your time and consideration.

With Regards

Thanking you,

Yours truly

(Arun Kumar Singh)

Advocate

&

Investigator

Reliance, Bajaj, Magna, Royal Sundaram.

Siliguri / Jalpaiguri

ARUN KUMAR SINGH
Bsc, LLB, DCP, HWA, FIII & CIAFP
Rtd. SDM (NIC Ltd.)
ADVOCATE
(F/627/1045/2023)
& Investigator Siliguri / Jalpaiguri
Call : 83730 61642

copy



Govt. of West Bengal
Office of the Commissioner of Police,
Siliguri Police Commissionerate.

Memo No. 444 /RTI Cell/SPC

Dated. 28/08/2024

From : The Commissioner of Police
(First Appellate Authority)
Siliguri Police Commissionerate

To : Mr.Arun Kumar Singh(Advocate)
D4 Indigo Residency Salugara
Near Nirmala Convent School
Zila Parishad Road
Pradhan Para
Siliguri-734008

Ref : RTI Appeal dated 27.07.2024 in reference Memo No. 412/RTI Cell/SPC dated 14.08.2024 and his letter dated 16.08.2024 of non attendance for his personal hearing.

Sub : Regarding informations/documents in c/w New Jalpaiguri PS Case No.1149/2023 dt.19.12.2023 u/s 279/304-A IPC.

In absence of the appellant on personal hearing dated 23.08.2024, it has been concluded that I fully agree with the decision of SPIO, Siliguri Police Commissionerate.

Hence, the matter is closed and disposed off.

Commissioner of Police
(First Appellate Authority)
Siliguri Police Commissionerate

COMMISSIONER OF POLICE
SILIGURI POLICE COMMISSIONERATE

Arun Kumar Singh

BSc, LLB, DCP, HWA, FIII (III) & CIAFP(III)
Rtd.SDM (NICL Ltd).
Advocate (F/627/1045 /2023)
Calcutta high court (Circuit Bench Jalpaiguri
& District court Jalpaiguri, Sub -Divisional
court at Siliguri.



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arunsingh7770@gmail.com

To

27.07.2024

Commissioner of Police
(HQ), Siliguri.

&

Fist Appellate Authority
Siliguri Police Commissionerate
Siliguri Metropolitan Police
Siliguri police Commissionerate
P.O. Pradhan Nagar, Siliguri (W.B)
PIN 734003

Sir

First Appeal against prejudicial action of DC/ SPIO Siliguri to FAA

Ref: Our RTI application dated 28/05/2024 in relation to NJP case no 1149/2023 dated 27/09/2022.

After being completely aggrieved by a decision of SPIO Siliguri we are approaching you to intervene because you are first appellate authority in our domain. In response of our RTI letter dated 28/05/2024, we received a letter from SPIO asking some information quoting section 11 of the RTI act in our parlance. I am not going to mention and will not feel necessary to explain the third-party information condition of RTI Act, which is very clear and well explained in the Act itself. However, respecting the position of authority a reply was given explaining the reason of information sought. But they have taken decision arbitrarily and has closed the matter without providing information to us.

I only would like to let you know that the section 11 does not apply in our condition because information asked are not a confidential information. Case is registered in the PS of your Jurisdiction and insurance company would be liable as per act of MV Act in terms of paying compensation then this is mandatory for you to disclose the documents in court or in public. Police documents are available online these days on your official web then how it would relate with section 11 of RTI act in our case. I hope you can mediate in your esteemed position that quoting and misquoting of sections and provisions of the laid down laws are not taken proper in the eye of law.

Insurance Company has appointed me an investigator under the provision of their administrative law and then this is my duty to provide them information they need to decide the liability judiciously. The claim of complainant may a part of FRAUD also, so all related documents must be examined for correct decision taking.

They have closed the matter without explaining that which type of permission the need to provide such information which is asked only in the border interest of Public. If claim will not pay the interest of the complainant would prejudice and if Company decides without proper scrutiny of Police documents and other necessary documents then the chances of corrupt practices cannot be overruled. Insurance Company are paying crores & crores of rupees in settlement of claims of RTA cases, so documents are required to know that the case is filed is proper and no any element of fraud is prominent. So, documents asked from you are completely in the interest of public, so all should have been provided.

Sir, in such circumstances legal options are available for redressal of the issue, but I will flow line by line the laid down procedure as given in RTI ACT 2005. I hope issue will be solved on your intervention and we will not be forced to go for 2nd Appeal.

With Regards

Encl:- All copies of correspondences are



Govt. of West Bengal
Office of the Commissioner of Police,
Siliguri Police Commissionerate.

Memo No. 348 /RTI Cell/SPC

Dated. 24 /07/2024

From : The Deputy Commissioner of Police(HQ)
& SPIO, Siliguri Police Commissionerate

To : Mr. Arun Kumar Singh(Advocate)
D4 Indigo Residency Salugara
Near Nirmala Convent School
Zila Parishad Road
Pradhan Para
Siliguri-734008

Ref : RTI Application dated 09.07.2024.

Sub : Information sought for under RTI Act, 2005 regarding information /documents in c/w
New Jalpaiguri PS Case No.1149/2023 dt. 19.12.2023.

With reference to the above, an intimation dated 09.07.2024 has been received from his end and it transpires that the applicant does not have necessary permission of the person to whom these information.

Hence, the matter is closed and filed.

Deputy Commissioner of Police (HQ),
& SPIO, Siliguri Police Commissionerate

Dy. Commissioner of Police- (HQ)
& State Public Information Officer
Siliguri Metropolitan Police
P.O. Pradhannagar, Siliguri (W.B)
PIN 734003



Govt. of West Bengal
Office of the Commissioner of Police,
Siliguri Police Commissionerate.

Memo No. 312 /RTI Cell/SPC

Dated. 13/07/2024

- From : The Deputy Commissioner of Police(HQ)
& SPIO, Siliguri Police Commissionerate
- To : Sri. Arun Kumar Singh(Advocate)
D4 Indigo Residency Salugara
Near Nirmala Convent School
Zila Parishad Road
Siliguri-734008
- Ref : Your letter ref No.Bajaj 000000279/3-24/NJP PS/SLG/coms/AKS/24 relating to RTI Application
dated.28.05.2024.
- Sub : Information sought for under RTI Act, 2005 regarding information/documents in c/w New
Jalpaiguri PS Case No.1149//2023 dt. 19.12.2023 U/S 279/304-A IPC.

With reference to the above,the intimation was sent on 28.06.2024 vide this Memo
No.286/RTI Cell/SPC dT.28.06.2024 but no reply has yet been received by this office from your end.

It transpires that the applicant does not have necessary permission of the person to whom
these insormation belong.

Hence, the matter closed and filed.

Deputy Commissioner of Police (HQ),
& SPIO, Siliguri Police Commissionerate

Deputy Commissioner of Police (HQ)
Information Officer
Siliguri Police Commissionerate
Siliguri (A.B.)
734003

Arun Kumar Singh

BSc, LLB, DCP, HWA, FIII (III) & CIAFP(III)
Rtd SDM (NICL Ltd)
Advocate (F/627/1045 /2023)
Calcutta High court (Circuit Bench Jalpaiguri
& District court Jalpaiguri, Sub -Divisional
court at Siligun.



D/4 Indigo Residency
Pradhan Para, Zila Parishad Road
Near Hill view Residency
Jalpaiguri District
Salugara, Siliguri - 734008
9800090002, 8373061642, 9832096032
arunsingh7770@gmail.com

To

18.07.2024

To
Deputy Commissioner of Police
(HQ), Siliguri.

&
SPIO, Siliguri Police Commissionerate
Siliguri Metropolitan Police
P.O. Pradhan Nagar, Siliguri (W.B)
PIN 734003

Sir

**Ref: RTI letter dated 28/05/2024 & Your memo no 286/RTI Cell /SPIO dated and your
closer letter dated 13/07/2024.**

I, Aun Kumar Singh, a permanent resident of D4 Indigo Residency Salugara, Near Nirmala Convent School Zila Parishad Road Pradhan Para, Siliguri-734008 and being a citizen of Republic of India, I have been authorised by Bajaj Allianz General insurance company to investigate Macc case 126/2024 filed at Jalpaiguri tribunal against the NJP P. S Case no 1149/23 dated 19/12/2023.

In response of your letter dated 28/6/2024, memo no 286/RTI Cell /SPIO, I would like to inform you that we have informed you in proper manner that undersigned is working as an investigator in behalf of Bajaj Allianz GIC Ltd and information sought are required to complete the process of internal investigation of Company. Documents required are completely public documents and a normal citizen of this country may ask from you under the regulation of RTI ACT, 2005. Reply was given to you vide registered letter marking number RL A RW952423171IN registry date is 12/07/2024 and the same has been delivered in your office on 16/07/2024 copy of tracking record is attached for your perusal.

Sir, reply has been given to you clarifying our position in this matter and since the information sought are much important, so it would be kind of you, if you provide as per our RTI letter dated 28/05/2024.

With Regards

Thanking you.

Yours truly,

(Arun Kumar Singh)
Advocate

Investigator (Bajaj General Insurance CL Ltd.)

ARUN KUMAR SINGH
BSc, LLB, DCP, HWA, FIII & CIAFP
Rtd SDM (NIC Ltd)
ADVOCATE
(F/627/1045/2023)
& Investigator Siliguri Jalpaiguri
Col. 8373061642



Sign In

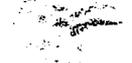
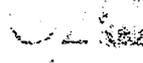
Register



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हिन्दी



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* Indicates a required field.

* Consignment Number

RW9524231711N



Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Salugarah SO	13/07/2024 12:38:45	734001	25.95	Registered Letter	Siliguri HC	16/07/2024 17:08:48

Event Details For : RW9524231711N

Current Status : Item Delivered(Addressee)

Date	Time	Office	Event
16/07/2024	17:08:48	Pradhan Nagar SO	Item Delivered(Addressee)
16/07/2024	13:59:38	Pradhan Nagar SO (Beat Number:5)	Item Delivered (To: DCP (Article Receipt Room))
16/07/2024	12:42:53	Pradhan Nagar SO	Out for Delivery
16/07/2024	12:02:32	Pradhan Nagar SO	Item Received
15/07/2024	07:19:35	Siliguri Ma TMO	Item Dispatched
15/07/2024	06:54:32	Siliguri Ma TMO	Item Received
14/07/2024	13:22:03	Siliguri CRC LIR	Item Dispatched
14/07/2024	12:55:00	Siliguri CRC LIR	Item Bagged
14/07/2024	09:35:01	Siliguri CRC LIR	Item Received
13/07/2024	14:06:12	Salugarah SO	Item Dispatched
13/07/2024	13:58:01	Salugarah SO	Item Bagged
13/07/2024	12:38:45	Salugarah SO	Item Booked

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Govt. of West Bengal
Office of the Commissioner of Police,
Siliguri Police Commissionerate.

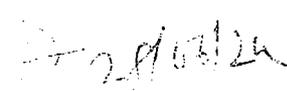
Memo No. 286 /RTI Cell/SPC

Dated. 28 /06/2024

- From : The Deputy Commissioner of Police(HQ)
& SPIO, Siliguri Police Commissionerate
- To : Mr. Arun Kumar Singh(Advocate)
D4 Indigo Residency Salugara
Near Nirmala Convent School
Zila Parishad Road
Pradhan Para
Siliguri-734008
- Ref : Your letter ref. No.Bajaj/000000279/3-24/NJP PS/SLG/coms/AKS/24 relating to RTI Application dated 28.05.2024.
- Sub : Information sought for under RTI Act, 2005 regarding information /documents in c/w New Jalpaiguri PS Case No.1149/2023 dt. 19.12.2023 u/s 279/304-A IPC.

With reference to the above, you are hereby requested to intimate the full particulars of the person with whom the information sought by you belong, so that the provisions laid down in section 11(1) of RTI Act.,2005 may be adhered to.

You are requested to submit your reply within 10(ten) days from the date of receipt of this letter in absence of which it will be presumed that you do not have consent of the person to whom these information belong and the matter will be closed and filed.


Deputy Commissioner of Police (HQ),
& SPIO, Siliguri Police Commissionerate
Dy. Commissioner of Police (HQ)
& State Public Information Officer
Siliguri Metropolitan Police
P.O. Pradhannagar, Siliguri (W.B.)
PIN 734003.

Ref: Bajaj/000000279/3-24/NJP PS/SLG/coms/AKS/24

Date: 28/05/2024

To,

THE STATE PUBLIC INFORMATION OFFICER

Dy. Commissioner of Police
(HQ), Siliguri.

Mallguri Police Line, PO- Pradhan Nagar,

PS-Matigara, PIN - 734003. 2023

Ccopy of RTI

Sub: - RTI application U/s 6(1) of RTI Act, 2005, read with W.B.RTI Rules, 06 (Amended and in force till date). Information and documents required in relation to **NJP P.S CASE NO 1149/2023 dated 27/09/2022.**

Respected Sir/Madam/Authority

I, Arun Kumar Singh, a permanent resident of D4 Indigo Residency Salugara, Near Nirmala Convent School Zila Parishad Road Pradhan Para, Siliguri-734008 and being a citizen of Republic of India and the rights conferred in the RTI Act, 2005 to the citizens, I would Like to know the following information from you, Under section 6 sub-section (1) of the said act.

1. Certified copy of **Seizure List** of all the goods/vehicles and documents **in all respective details** in relation to **NJP P.S CASE NO 1149/2023 dated 27/09/2022.**
2. **Post Mortem Report or injury report** of the injured or the deceased and U/D case No. if the victim had died cause of the accident.
3. **Certified Copy of the FIR and complain letter** with proper details of the names of the accused and complainant.
4. **Certified Copy of Charge sheet.**
5. **Name and designation of the Investigating officer in charge of the above-mentioned case number along with his office address and phone no.**



6. **Certified Copy of U.D Case. (If the victim died)**
7. **Certified Copy of Inquest report.**
8. Certified copy of the Case Diary indicating the name of persons arrested in connection with the said F.I.R.
9. Certified Copy of the Investigation Report.
10. Copy of record and statements of the accused and witnesses recorded during investigation.
11. **Certified copy of DL of accused driver as per seizure list.**

Sir/Madam/Authority, I have duly paid the Application Fees. If any further RTI fees is required then I am willing to proceed with the payment as per the information which I receive as per the prevailing RTI rules.

I would like to receive these Information either at my address or at my email. Requesting you, if the information sought pertains to another department and/or another authority, then kindly transfer it under section 6(3) of the RTI Act, 2005 and provide me with the information inquired by way of this RTI and send the intimation to me (Kindly refer the case of Shyam Singh Thakur vs. Dept. Of Science & Technology (Appeal No.CIC/WB/A/2006/00365, dated 22/1/2007). If you, at any circumstances, reject this RTI application then do send the mandatory information U/s 7(8)(i), 7(8)(ii), 7(8)(iii) of the said Act.

Therefore, may it be noted that the information Sought does not fall under any of the exemptions listed under section 8(1) of the RTI Act, 2005 and attempt to refuse information on the grounds of "exemption" will force the applicant to seek urgent judicial redressal.

Yours faithfully,

(Arun Kumar Singh)

From,

Arun Kumar Singh

BSc, LLB, DCP, HWA, FIII & CIAFP

Rtd. SDM (NIC Ltd)

Advocate

&

Investigator (Bajaj Allianz GIC Ltd)

D4 Indigo Residency Satugara,

Near Nirmala Convent School,

Zila Parishad Road

Pradhan Para, Siliguri-734008

Mobile No. 8373061642, 9800090002

E-mail: arunsingh7770@gmail.com

ARUN KUMAR SINGH

Bsc, LLB, DCP, HWA, FIII & CIAFP

Rtd. SDM (NIC Ltd.)

ADVOCATE

(F/627/1045/2023)

& Investigator Siliguri / Jalpaiguri

Call : 83730 61642