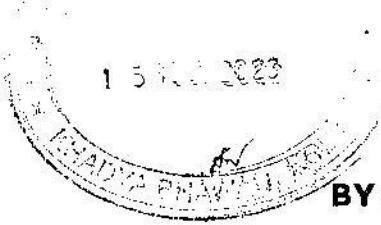


485 (C)
16/02/2023



To
The State Information Commissioner
West Bengal Information Commission
11 A, Mirza Galib Street, Khadya Bhaban,
Kolkata-700 087

Sub: Complaint under Sec. 18 of RTI Act, 2005 against SPIO or
similar designated officer of Pollution Control Board,
Barrackpore regional office.

Most Respected Sir,

This has a reference to my RTI application made to the SPIO of Barrackpore Regional Pollution Control Board (copy enclosed). But till date no reply is made by the concerned officer.

Therefore in this situation I have been inspired by the Central Information Commission's befitting information in response to its model question and answer made and cited by the commission (copy enclosed) to lodge a complaint under Sec. 18 of the RTI Act.2005; and pray for your suitable decision and action with reference to Sec. 20 of the said Act for such humiliation and denial to me of the right to information.

But if not justice done by your appropriate authority in such case of humiliation and denial to my right to information I may helplessly seek for favour to me under Article 226 and 32 of the Constitution of India.

Looking forward to your generous response and action in the matter at the earliest.

Enclo: as stated (four sheet)

Thanking you,

Dated : 9th Feb, 2023

Yours faithfully,

(SUBRATA SEN)

PRATHAM Housing Complex,
B1/P1/3D, 3rd floor,
26 B T Road,
Kolkata-700058

E mail: [\(M\)9831715134](mailto:subratasen044@gmail.com)

EW 344604996IN

EW344604996IN IVR:6987344404776
SP BELGHARIA HO (700056)
Counter No:1, 19/12/2022, 12:37
To:SPIO, W B P C B
PIN:743126, Kankinara SO
From:SUBRATA SEN, 26 B T ROAD
Wt:20gms
Amt:41.30(Cash) Tax:6.30
(Track on www.indiapost.gov.in)

By SPEED POST

To
The SPIO, RTI Cell,
West Bengal Pollution Control Board,
Barrackpore Regional Office,
Panpur More, P.O. Narayanpur, Kankinara,
Dist. 24-Prgs(N),
Pin-743126

Sub: RTI Application with ref. to your Show Cause Notice, vide
Memo no. 879/4/WPB/BR/24 Pgs(N)/04(Pt.-II), dt. 17.05.2022 and
1148-5L/WPB-2021/B-2021, dt. 22.12.2021 of PG Cell, WBPCB

Sir,

With ref. to ROP vide Memo no. 1148-5L/WPB-2021/B-2021, dt. 22.12.2021 of PG Cell, WBPCB (copy enclosed) please find herewith your staggeringly erroneous Show Cause Notice to the Ad Hoc Committee of Pratham Housing Complex instead of Dhoot Realtors Pvt. Ltd. (Pratham Housing Complex) of 26 B T Road, Kolkata-700058, vide Memo no. 879/4/WPB/BR/24 Pgs(N)/ 04 (Pt.-II), dt. 17.05.2022 (copy enclosed).

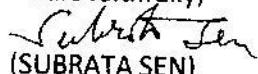
Therefore, you are, requested to send me the report of your appropriate action on staggeringly erroneous Show Cause Notice with the copies of your relevant documents as per RTI Act, 2005.

Thanking you,

Encl: Copies of ROP vide Memo no. 1148-5L/WPB-2021/B-2021,
dt. 22.12.2021 of PG Cell, WBPCB and Memo no. 879/4/ WPB/BR/
24 Pgs(N)/ 04 (Pt.-II), dt. 17.05.2022

Dated: 19th Dec., 2022

Yours faithfully,


(SUBRATA SEN)

PRATHAM Housing Complex,
B1/P1/3D, 3rd floor,
26 B T Road,
Kolkata-700058

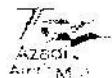


Sign In Register
 Retail (/VAS/Pages/UserRegistration.aspx)
 Corporate (/VAS/Pages/CustomerLinking.aspx)
 Registered User [/layouts/15/Authenticate.aspx?Source=%2F](#)
 Name :

[Change Password](#) | [My Profile \(/VAS/Pages/UserProfileManagement.aspx\)](#)

व (VAS/Pages/Content/Screenreader.aspx) हिन्दी (VAS/Pages/sitemap.aspx)

(VAS/Pages/IndiaPosthome.aspx)



Home (<http://www.indiapost.gov.in/vas>)>> **Track Consignment**

Track Consignment

Quick help [\(VAS/Pages/faqs.aspx\)](#)
 Category=Jgo4qG+ZxEdagwsX1Qlk2NQ

Delivery Number is a required field.

Delivery Number

EW344404996IN

Delivery Type	Delivery Location	Delivery Confirmed On
India Post	Bhatpara SO	21/12/2022 14:59:19

Event Details For : EW344404996IN

Current Status : Item Delivery Confirmed

Event	Time	Office	Event
21/12/2022	14:59:19	Bhatpara SO	Item Delivery Confirmed
21/12/2022	11:08:34	Bhatpara SO	Out for Delivery
21/12/2022	12:16:43	SMC SEALDAH RMS TMO	Item Dispatched
21/12/2022	10:59:12	SMC SEALDAH RMS TMO	Item Received
21/12/2022	09:21:37	KOLAP TMO	Item Dispatched
21/12/2022	08:46:50	KOLAP TMO	Item Received
21/12/2022	05:14:29	Kolkata NSH	Item Dispatched
21/12/2022	04:43:41	Kolkata NSH	Item Bagged
21/12/2022	19:04:20	Kolkata NSH	Item Received
21/12/2022	18:34:53	KOLAP TMO	Item Dispatched
21/12/2022	18:17:21	KOLAP TMO	Item Received
21/12/2022	13:22:36	Belgharia HO	Item Dispatched
21/12/2022	13:12:06	Belgharia HO	Item Bagged

[Home \(/VAS/Pages/IndiaPosthome.aspx\)](#)

[About Us \(/VAS/Pages/AboutUs/AboutUs.aspx\)](#)

[Forms \(/VAS/Pages/Form.aspx\)](#)

[Recruitments \(/VAS/Pages/ViewAllDocREpository.aspx?Category=Recruitment\)](#)

[Holidays \(/VAS/Pages/Holidays.aspx\)](#)

[Feedback \(/VAS/Pages/CustomerFeedback.aspx\)](#)

[Right To Information \(/VAS/Pages/RTI/RTI.aspx\)](#)

[Tenders India \(https://eprocure.gov.in/cppp/searchbyorg/Department%20of%20Posts\)](https://eprocure.gov.in/cppp/searchbyorg/Department%20of%20Posts)

[Related sites \(/VAS/Pages/Content/RelatedLinks.aspx\)](#)

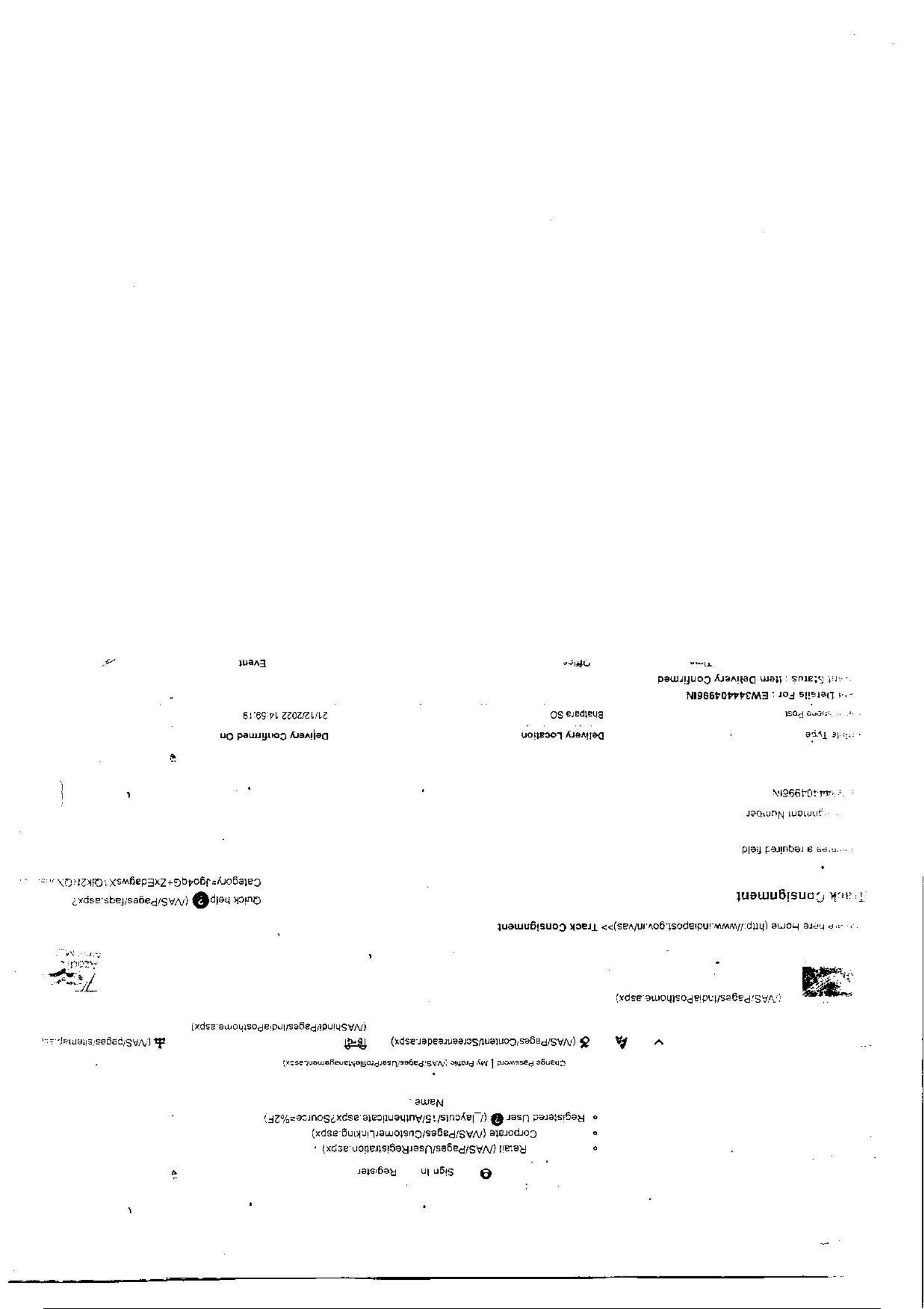
[Website Policies \(/VAS/Pages/Content/Disclaimer.aspx\)](#)

[Contact Us \(/VAS/Pages/Content/ContactUs.aspx\)](#)

[Employee Corner \(https://utilities.cept.gov.in/DOP\)](https://utilities.cept.gov.in/DOP)

[Sitemap \(/VAS/Pages/sitemap.aspx\)](#)

External Links



HDFC BANK LTD

Account Number : 50100489977523

✓ Customer Name : SUBRATA SEN

✓ Customer Id : 185046366

✓ A/C Open Date : Dec 24 2021

Joint Holder : SUBHAJIT SEN

Joint Holder : :

Address : ✓ PRATHAM FLAT-B1/P1/3D 3RD FLOOR 26. BT
ROAD BELGHARIA KAMARHATI BRAND.
FACTORY

City : ✓ 24 PARGANAS NORTH

Pin Code : ✓ 700058

State : ✓ WEST BENGAL

Country : ✓ IN

Res Tel No : :

Mobile No : ✓ 919831715134(✓)

Nomination : :

Product Code : 157-SENIOR CITIZEN ACCOUNT

A/C Currency : INR

Branch Code : 9114

Branch Name : BELIAGHATA

Branch Address : HDFC BANK LTD.
149, RAJA RAJENDRALAL MITRA
ROAD.
KOLKATA

City : KOLKATA

Pin Code : 700010

State : WEST BENGAL

Country : INDIA

Branch Tel No : 033-61606161

MICR Code : 700240110

IFSC Code : HDFC0009114



✓ 1/18

Subrata Sen

1) Has this Commission power to admit the appeal after the expiry of the period of (90) ninety days?

2) Is there any time limit for filing a complaint?

3) Can a complaint be filed directly before this Commission? If yes, the grounds on which a complaint may be filed?

... a complaint may be filed directly in this Commission under section 18 of the RTI Act, by a person:-

(i) who has been unable to submit a request to a Central Public Information Officer either by reason that no such officer has been appointed under the Act, or because the Central Assistant Public Information Officer has refused to accept his or her application for information or appeal under this Act for forwarding the request to a Central Public Information Officer or senior officer specified in subsection (1) of section 19 of this Commission;

(ii) who has been refused access to any information requested under this Act;

(iii) who has not been given a response to a request for information or access to information within the time limit specified under this Act;

(iv) who has been required to pay an amount of fee which he or she considers unreasonable;

(v) who believes that he or she has been given incomplete, misleading or false information under this Act; and

(vi) in respect of any other matter relating to requesting or obtaining access to records under this Act.

4) How many copies of the second appeal are required to be submitted to this Commission?

5) Are the documents submitted along with the second appeal required to be signed or self attested by the appellant?

6) What are the documents required to be submitted along with second appeal?

7) Is there any format for filing second appeal before this Commission?

8) Is there any time limit for filing second appeal?

9) Is it necessary to file a first appeal before the First Appellate Authority, before filing the second appeal before this Commission?

10) At what stage the applicant can approach the Commission for second appeal?

11) Has this Commission jurisdiction over a State Information Commission or can a complaint or appeal against an order of a State Information Commission be filed in this Commission?

12) What is the distribution of work amongst the Chief Information Commissioner and the other Information Commissioners?

13) What are the Public Authorities over which this Commission has jurisdiction as Second Appellate Authority?

14) What is the composition of this Commission?

15) Is there any Facilitation Desk functioning in the Commission?

16) Is there any helpline numbers?

17) Where is the office of this Commission located?

APPLYING THE LAW

Penalties for Failing to Release Information

Any public official who deliberately delays or obstructs an application for information who deliberately provide incorrect or misleading information can be punished under Central Act. Penalties have been included in RTI laws by legislators because they believe that some sanction might be necessary to change bureaucratic cultures of secrecy particularly where these have served to cover up corruption. Notably though, such penalties cannot be imposed on public officials who did their best to process applications and provide information in the spirit of the law.

It is important to note that the penalty provisions under the Central Act can be imposed personally on the official responsible for non-compliance with the Act. You should be aware that penalties can not only be imposed on the Public Information Officer (PIO) responsible for managing applications, but also on any officer whose assistance they requested if that officer did not help them. Thus, if the PIO asked another officer to provide them with information and that officer refused or delayed unreasonably, that officer and not the PIO would be sanctioned.

Section 20(1) of the Central Act allows for the imposition of penalties. Most notably, a PIO has, without any reasonable cause:

- refused to receive an application;
- not furnished information within time limits;
- malafidely denied the request;
- knowingly given incorrect, incomplete or misleading information;
- destroyed information subject to a request; or
- obstructed the process,

the Information Commission can impose a penalty of Rs 250 per day. The total penalty cannot exceed Rs 25,000.

Section 20(1) of the Central Act states that "Public Information Officers" can be punished but when read with s.5(5) of the Central Act (which states that any officer whose assistance is sought by a PIO will be treated as a PIO for purposes of the Act's clauses) it is clear that in practice any official can be sanctioned for non-compliance if they have shirked their duties under the law.

Before a penalty is imposed under s.20(1) of the Central Act however, an official is given a reasonable opportunity of being heard. The official is responsible for providing he/she acted reasonable and diligently.

Under section 20(2) of the Central Act, where a monetary penalty is imposed, the Information Commission can also recommend disciplinary action against the PIO under the applicable service rules.

Penalties can usually be imposed by appeal bodies, whether or not they are internal appeals bodies or external appeals bodies. Unfortunately, under the Central Act, it is unclear under the law whether the first Appellate Authority can impose penalties, although it is explicit that the Information Commission can. It is not clear therefore whether there can be any penalty for non-compliance that is identified during an internal appeal. Information Commissions will need to clarify whether Appellate Authorities can refer cases to the Commission for consideration under s.17(1)(e). It is possible that Commissions could hear such cases under the broad appeal remit under s.18(1)(f) of the Central Act which empower Commissions to handle any complaint in respect of any other matter relating to requesting or obtaining access to records under this Act.

Appeal bodies should be aware of their power to impose penalties and should do so judiciously to sanction officers who have failed to discharge their duties under the Act properly. It needs to be made clear from the outset that officers who don't receive

Central RTI Act prepared by
the Central Government prepared by
the State Government
of the Andhra Pradesh
Right to Information on Rules
Application and Appeals
Forum
of the State Government
and its implementation
measures

terms of the law will be punished. This will set a proper standard within the bureaucracy and will also satisfy the public that the bureaucracy is taking the Central Act seriously.

Already, under the State Acts there are reports of **personal penalties being imposed** on officers and disciplinary procedures being invoked which have led to suspension of officials. Although it is hoped that most bureaucrats will implement the law in the true spirit, nonetheless it has already been shown in a number of States that penalties are a key tool in forcing a change in culture as bureaucrats are made to pay personally for their resistance to implementing open government.

Please click on the link to the [Central RTI Act](#) to read the detailed provisions contained in the law. Please click on the link to [CHRI's State RTI pages](#) to find out more about the rules and implementation in your specific State.



WEST BENGAL INFORMATION COMMISSION

Khadya Bhaban

11A, Mirza Galib Street Kolkata-700 087

Phone No. (033)2252-0509,(033)2252-0501

Website: www.wbic.wb.gov.in | E-mail: scic-wb@nic.in

Memo No. 6693-WBIC/RTI/C/104139/2021/2025

DATE : 17/12/2025

NOTICE FOR HEARING OF COMPLAINT **COMPLAINT No: 104139 of 2025**

Complainant(s):	Respondent(s):	Appellate Authority:
SUBRATA SEN PRATHAM Housing, B1/P1/3D, 3rd Floor, 26, B.T. Road, Kolkata- 700058 West Bengal,KOLKATA,700058	SPIO : 1. SPIO O/o WEST BENGAL POLLUTION CONTROL BOARD, BARRACKPORE REGIONAL OFFICE, PANPUR MORE, P.O.: NARAYANPUR, KANKINARA, DIST: 24PGS(N), PIN: 743126	N.A.

Date of RTI	Date of reply,if any,of SPIO	Date of 1st Appeal made,if any	Date of order,if any,of First AA
19-12-2022	-	-	-

1. Take notice that the above appeal/complaint in respect of RTI application dated 19-12-2022 filed by the appellant/complainant has been listed for hearing before **Hon'ble State Chief Information Commissioner Mr. Virendra** at Venue **Venue Address** on **20-01-2026 at 11:30 AM**.

The said hearing will be held at **Conference Hall 1 (Ground Floor)**.

2. The appellant/complainant may present his/her case(s) in person or through his/her duly authorized representative either in physical mode or in virtual mode, as may be suitable to him / her. Details of link for joining in virtual mode are given below.

3. The Public Authorities may attend the hearing physical mode or in virtual mode, as per convenience.

(a) SPIO should personally join the hearing; if for a compelling reason(s) he/she is unable to be present, he/she has to give reasons for the same and shall authorise an officer not below the equivalent rank of SPIO , fully acquainted with the facts of the case **and bring complete file/file(s) with him.**

(b) If the SPIO attending the hearing before the Commission does not happen to be the concerned SPIO, it shall still be his/her responsibility to ensure that the SPIO(s) concerned must attend **with complete file concerning the RTI request**, the hearing along with him.

4. All the parties may submit their written submission, if any, to the Commission at least 7 days before the date of hearing. A copy of the same shall be served upon opposite party. If any party wishes to make online submission, the same may be sent to the Commission's link only viz., <https://www.wbic.wb.gov.in/online-link-paper-compliance/add>

5. SPIO is also directed to inform the third party, if any, so as to enable it to defend or present its case before the Commission. Third Party may choose to be present before the Commission either in person or through its duly authorized representative for hearing, or they may also file a written submission to the Commission before the hearing.

6. The authorised representative or the officer of the public authority and the appellant/complainant/third party is advised to carry a "proof of identity" **along with the authorization letter.**

7. Take notice that in default of your appearance on the time and date mentioned aforesaid, the case shall be heard and decided in your absence **and that there will be no adjournment and review.**

8. The parties concerned should reach the venue at least 30 minutes before the scheduled time of hearing. They are also requested to intimate their telephone/mobile numbers and email address to the undersigned.

9. The concerned appeal / complaint file can be accessed or downloaded from the 'Cause List' available at the Commission's website www.wbic.wb.gov.in link to the cause list is <https://wbic.wb.gov.in/cause-list-report-web/registry-cause-list/1>

You can download your specific document directly by filling up the required fields in categories.

Venue for the hearing
Venue for the Appellant/Complainant
Link for virtual hearing through Google Meet : meet.google.com/kbs-aqrk-ssn
Venue for SPIO 1
Venue :11 A Mirzaghalib Street, Khadya Bhavan, KOLKATA-700087

Reference number of SPIO Reply(if any) :

Memo No:
6693-WBIC/RTI/C/104139/2021/2025

DATE : 17/12/2025

Sd/-
Rupak Bhattacharjee

Copy Forward To

1. SPIO's,Public Authority
I-SPIO, O/o WEST BENGAL POLLUTION
CONTROL BOARD, BARRACKPORE
REGIONAL OFFICE, PANPUR MORE, P.O.:
NARAYANPUR, KANKINARA, DIST:
24PGS(N), PIN: 743126
2.Appellant/Complainant

Section Officer

SUBRATA SEN
PRATHAM Housing, B1/P1/3D, 3rd Floor, 26,
B.T. Road, Kolkata- 700058 ,West
Bengal,KOLKATA,700058

3. Appellate Authority

N.A.