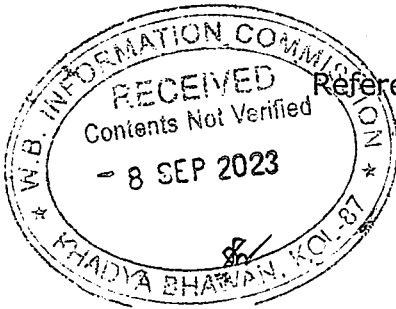


33171(C)
08/09/2023

WEST BENGAL INFORMATION COMMISSION, KOLKATA
Khadya Bhawan, 11 Mirza Ghalib Street, Kolkata



Reference:- Complaint Case / /2023
u/S 18(1), 19(3) & 20(1) of the RTI Act '05

Smt. Suparna Chatterjee

.....Appellant

--VS--

1. The SPIO under RTI Act
Executive Officer
2. The Appellate Authority
Under RTI Act '05

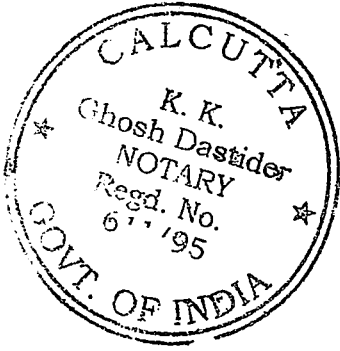
.....Respondents

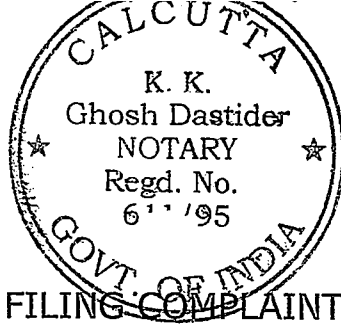
INDEX

<u>Sl No.</u>	<u>Particulars</u>	<u>Page No.</u>	<u>Annexure</u>
01	Complaint filing format	1 - 3	
02	Instant Appeal Petition	4 - 7	
03	RTI application u/S 6 of RTI Act dated 02 nd March 2023	8	A
04	Memo received from SPIO dated 28 th March 2023	9	B
05	RTI First Appeal dated 10 th April 2023	10 - 11	C
06	Application on Plain Paper dated 10 April 2023 (as advised by SPIO)	12 - 13	D
07	Cash Receipt for Certified Copies	14	E
08	Uncertified copies received as Certified Copy	15 - 17	F & G
09	Memo dated 22 nd May 2023	18	H
10	Application asking certified copy of Order of 1 st Appeal hearing held on 26 th May 2023	19	I
11	Certified copy of Order received on 05 th June 2023	20 - 23	J

Suparna Chatterjee.

Cited by
[Signature]





Suparna Chatterjee
filed by

FORMAT FOR FILING COMPLAINT / 2ND APPEAL BEFORE WEST BENGAL
INFORMATION COMMISSION (Vide Circular No. 1522-WBIC/Admn-05/13
dated 13.08.2014)

Complaint u/S 18(1) ☒

2nd Appeal u/S 19(3) ☒
(Tick relevant box)

1. Name of the Applicant: **SUPARNA CHATTERJEE**
2. Address: **9, BN GHOSHAL ROAD, PO & PS BELGHARIA,
DIST: NORTH 24 PARGANAS, KOL - 056**
Ph: - 9748306235 Email - sudipghosh728@gmail.com.
3. Date of filing of application under RTI Act. **02 MARCH 2023**
(A self-attested copy of RTI Application should be attached):
4. Name of State Public Information Officer / State Assistant Public Information Officer to whom the application was made and address:
**EXECUTIVE OFFICER
KAMARHATI MUNICIPALITY
1, M.M. FEEDER ROAD,
PO: KAMARHATI, PS: BELGHARIA,
DIST: NORTH 24 PARGANAS, KOLKATA - 056**
5. Gist of the information sought for:
 1. Name / names of the person(s) in whose name the license has been issued by the concerned authority in respect of cycle garage in the name style of "Chatterjee Cycle Mart" situated at 4, Station Road Belgharia in municipal ward No 21 of your municipality.
 2. Name of the documents / papers submitted by the person who is presently enjoying license for the said premises/shop.
 3. Name and designation of the officer in charge of the department.
 4. Name and designation of the person / officer who preside over the BOA on 30.12.2021 and person(s) who presided over the BOC on 28.04.2022.
 5. Advise me procedure and fees for obtaining certified copy of board proceedings with minutes / agenda listed for resolution.

Note: Please refer to Sec 2 - Sub-Sec (j) - (i) & (ii) of RTI Act '05.

6. Have you received any response / information? **YES**
(If so, attach a self-attested copy of the same)

For Complaint u/S 18(1) only

1. Grounds for Complaint (strike off items not applicable)
 - (i) Unable to submit request for information because no SPIO / SAPIO has been appointed.
 - (ii) SPIO / SAPIO refused to accept the application / 1st appeal or refused to forward it to SPIO / 1st Appellate Authority.
 - (iii) Refused to access to information requested.
 - (iv) No response to the RTI application received within the time limit specified in the RTI Act.
 - (v) Fee demanded is unreasonable.
 - ✓(vi) **Information furnished is incomplete / misleading / false.**
 - (vii) Any other (Specify).

Suparna Chatterjee

Filed by
[Signature]

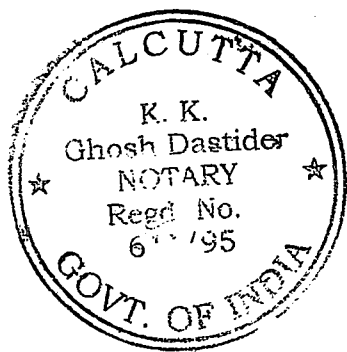
For 2nd Appeal u/S 19(3) only

1. Date of filing 1st appeal. **10 APRIL 2023**
(A self attested copy of 1st appeal should be attached)
2. Authority to whom the first appeal was made and address:
**THE CHAIRMAN
KAMARHATI MUNICIPALITY
1, M.M. FEEDER ROAD,
PO: KAMARHATI, PS: BELGHARIA,
DIST: NORTH 24 PARGANAS, KOLKATA - 056**
3. Decision of the 1st appellate authority, if any, including number & date of the order:
(A self attested photocopy of the order of the 1st Appellate Authority should be attached)

The applicant preferred First Appeal before 1st appellate authority on 10th April 2023. She received a letter vide Memo No. 189/Gen dated 22nd May 2023 to appear for hearing of the First Appeal at the chamber of the 1st appellate authority on 26th May 2023. The hearing held on 26th May 2023 at 3:30 PM at the chamber of the 1st appellate authority and the applicant appeared along with her Ld. Advocate. The applicant requested for the certified copy of the order of the 1st Appeal hearing through an application on 08th June 2023. The applicant personally visited the office of the 1st appellate authority several times and lastly on 06 July 23 a certified copy of the order of the hearing handed over to the applicant.

4. Grounds for 2nd appeal and the relief sought for (specify):

- i. As because the SPIO / respondent No. 1, has erred and misconstrued the provisions contained in the Act, relating to **Third Party Information**. The SPIO respondent No. 1 could have served notice on third party which in this case has not been complied with.
- ii. As because the SPIO / respondent No. 1 has with some ulterior motive **has deliberately concealed the access** to information with regard to information sought vide para / item No. 2 **on the ground of Third Party Information**.
- iii. As because the SPIO / respondent No. 1, has simply refused the request made in RTI application vide para / item No. 3, i.e. **the name and designation of the officer in charge of the department**.
- iv. As because the information which the people should know about RTI Act their SPIO and the Appellate Authority limit of time for disposal of the RTI request and fees etc. **No such information is found placed in Notice Board or on some conspicuous place in Municipal office**. And the appellant was not given any assistance or cooperation.
- v. As because the concerned public authority has intentionally refused to provide access to records for inspection urged by the appellant / applicant vide her RTI application u/S 6 of the Act dated 02nd March 2023. Please refer to **Annexure "A"**.



::-3-::

Suparna Chatterjee

File by

Suparna Chatterjee

vi. As because the respondents call for a hearing instead of providing the information as per request of the appellant as envisaged in the RTI Act 2005.

vii. As because the 1st appellate authority has provided the copy of the order of the hearing held on 26 May 2023 at 3:30 PM at his chamber with two different Memo No. in a same letter and the same was .

5. 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 of the 1st appeal explain the reason for the delay.

The certified copy of the order was signed by the 1st Appellate Authority on 05th June 2023 but the same was received by appellant on 6th July 2023.

I, SUPARNA CHATTERJEE son-/ daughter of LT. SAMARENDRA CHATTERJEE aged about 30 years, being an Indian citizen do hereby solemnly affirm that the statement made herein are true to my knowledge based on records and the rest are my submission to the Hon'ble West Bengal Information Commission.

Place: Barrackpore

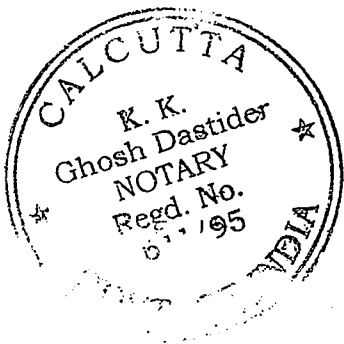
Date: 06 Sep 2023

Suparna Chatterjee

Signature of the complainant / appellant

Smt. Suparna Chatterjee,
Name of the complainant / appellant

Index of attached application is available on separate sheet.



(4)

Suparna Chatterjee

Cited by

17

WEST BENGAL INFORMATION COMMISSION, KOLKATA

Khadya Bhawan, 11 Mirza Ghalib Street, Kolkata

Reference:- Complaint Case / /2023
u/S 18(1), 19(3) & 20(1) of the RTI Act '05

Smt. Suparna Chatterjee
D/o Late Samarendra Chatterjee
9, B.N. Ghosal Road, PO & PS: Belgharia,
Dist: North 24 Parganas,
Kolkata – 700 056

.....Appellant

--VS--

1. The SPIO under RTI Act
Executive Officer
Kamarhati Municipality, Kamarhati,
1 M. M. Feeder Road, Belgharia,
Dist: North 24 Parganas, Kolkata,
W.B – 700 056
2. The Appellate Authority
Under RTI Act '05
Kamarhati Municipality, Kamarhati,
1 M. M. Feeder Road, Belgharia,
Dist: North 24 Parganas, Kolkata,
W.B – 700 056

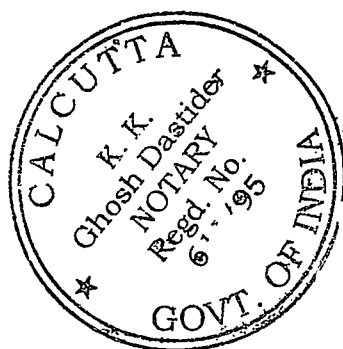
.....Respondents

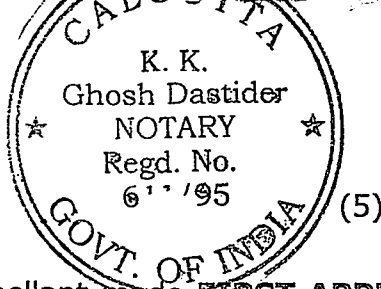
The humble complain petition of the appellant
named above;

Most respectfully sheweth:-

- 1) That the appellant made an application dated **02nd March 2023** under RTI Act '05, before the respondent / SPIO requesting information and the said application was received by the office of the respondent / SPIO on same date under the seal and signature of the office.
 - Copy of RTI application annexed as **Annexure "A"**
- 2) That the SPIO respondent furnished information vide Memo No. 1727 / Gen dated **28th March 2023** to the applicant / appellant. The information received from the SPIO / Respondent is **incomplete, misleading, vague and confusing and some of requests / information have been denied** by the Respondent / SPIO. The SPIO was silent regarding the request of the appellant of **inspection of the document u/S 2 - Sub-Sec (j) - (i) & (ii) of RTI Act '05.**
 - Copy of Memo received annexed as **Annexure "B"**
- 3) That the SPIO / respondent has furnished incomplete, vague, misleading and false information **which invites penalty besides disciplinary action** for not providing access to information to the appellant and respondents / public authority also deserves action as envisaged under the Act.

Cont'd....P-5





Suparna Chatterjee

Filed by

- 4) That the appellant made **FIRST APPEAL** to the appellate authority on **10th April 2023** under RTI Act '05 and the said application was received by the office of the respondent No. 2 on same date under seal and signature of the office.

- Copy of First Appeal annexed as **Annexure "C"**

- 5) That the Appellate Authority, Kamarhati Municipality **has not responded to the first appeal under RTI Act '05** received by the office of the Appellate Authority on **10th April 2023** under seal and signature of the office. The acts of the public authority / SPIO / respondent / Appellate Authority **showed casual attitude of the authority concerned dealing with rights of the citizen.**

- 6) That the appellant also submitted **one application on plain paper** dated **10th April 2023** before the Chairman, Kamarhati Municipality, Kamarhati, Kolkata - 056, as advised by the SPIO vide Memo No. 1727/Gen dated 28/3/2023, requesting to supply **certified copies of Board of proceedings with copies of agenda / minutes of proceedings held on 30th December 2021 & on 18th August 2022** and the persons / officials who presided over the proceedings of both board of proceedings on date 30.12.21 and on 28.04.22 and other members who participated in the meetings with their official designations specifically meeting held on 28.04.22 in respect of Holding No. 939, Ward No. 21 of Kamarhati Municipality.

- Copy of application annexed as **Annexure "D"**

- 7) That the appellant was **asked to pay Rs. 350/-** to supply the certified copy mentioned above. The appellant paid the amount vide **Cash-Receipt No. 1006 dated 29th April 2023** and the concerned authority provided only **two Folios of uncertified copies** of the proceedings against the payment made herein.

- A Copy of Cash-Receipt annexed as **Annexure "E"**
- Copies of uncertified copies supplied by Municipality annexed as **Annexure "F" & "G"**

- 8) That the appellant feels to be agonised / exploited and charged exuberantly for supplying 2 A-4 size folios / copies as certified copy and the appellant believes that the Hon'ble Commission has jurisdiction to take cognizance to initiate action.

- 9) That the Respondent No. 2 / First Appellate Authority calls for a hearing on **26th May 2023** vide Kamarhati Municipality Memo No. 189/Gen dated 22nd May 2023 which is received by the appellant on **23rd May 2023**.

- A copy of the Memo dated 22nd May 2023 is filed & annexed as **Annexure "H"**

- 10) That the appellant along with her counsel appeared for hearing at the scheduled date and time at the office of the Respondent No. 2, but the respondents didn't provide any further information as asked u/S 6 of RTI Act 2005 dated 02nd March 2023. It was informed that there is **NO** any information to provide to the appellant and as per the respondents, all the information was provided to the appellant and the respondent No. 2 asked the appellant to sign on a blank paper after the completion of the hearing. On good faith, the appellant did as per the instruction of the authority.

- 11) That the appellant **requested for the certified copy of the order** of the **1st appeal hearing held on 26th May 2023**, through a letter dated **08 June 2023**.

- A copy of the letter dated **08th June 2023** for certified copy of the order of hearing held on **26th May 2023** at **3:30 PM** annexed as **Annexure "I"**

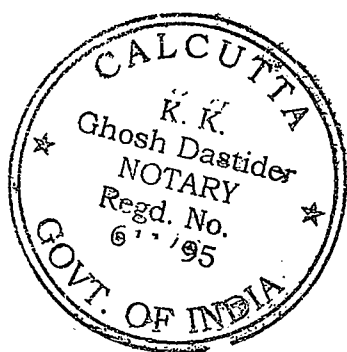
12) That the appellant received a certified copy of the order of the 1st appeal hearing held on 26th May 2023 at 3:30 PM at the office of the respondent No. 2 on 06th July 2023.

- A copy of the certified copy of the Order of hearing held at the Office of respondent No. 2 annexed as Annexure "J"

Being aggrieved and dissatisfied with the decision dated 28th March 2023 of the SPIO / respondent No. 1 and withholding First Appeal under RTI Act dated 10th April 2023 by the Appellate Authority / Respondent No. 2, the instant complaint is preferred as pray as under:-

G R O U N D S

- As because the SPIO / respondent No. 1, has erred and misconstrued the provisions contained in the Act, relating to **Third Party Information**. The SPIO respondent No. 1 could have served notice on third party which in this case has not been complied with.
- As because the SPIO / respondent No. 1 has with some ulterior motive **has deliberately concealed the access** to information with regard to information sought vide para / item No. 2 **on the ground of Third Party Information**.
- As because the SPIO / respondent No. 1, has simply refused the request made in RTI application vide para/ item No. 3, i.e. **the name and designation of the officer in charge of the department**.
- As because the information which the people should know about RTI Act their SPIO and the Appellate Authority limit of time for disposal of the RTI request and fees etc. **No such information is found placed in Notice Board or on some conspicuous place in Municipal office**. And the appellant was not given any assistance or cooperation.
- As because the concerned public authority has intentionally refused to provide access to records for inspection urged by the appellant / applicant vide her RTI application u/S 6 of the Act dated 02nd March 2023. Please refer to **Annexure "A"**.
- As because the respondents call for a hearing instead of providing the information as per request of the appellant as envisaged in the RTI Act 2005.
- As because the 1st appellate authority has supplied the certified copy of the order of the hearing held on 26th May 2023 at 3:30 PM at his chamber after the expiry of the stipulated time as envisaged under the Act.



-----Prayer-----

Under the fact and circumstances above, it is prayed that your Honour would graciously be pleased to consider and be kind enough to issue summons against the SPIO and the Appellate Authority being public authorities, and **direct to provide information, impose necessary penalty** for the omission, harassments and mental agony etc **as per the Act**.

::-7-::

Suparna Chatterjee

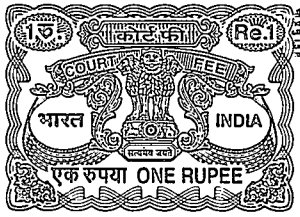
[Signature]

---VERIFICATION---

I, **Suparna Chatterjee**, the appellant of the above appeal do hereby verify and state that the statements made above are true to my knowledge and belief and I signed this verification to this **06** day of September 2023 at Kolkata.

Suparna Chatterjee
Appellant

Before the Notary Public Calcutta



-----AFFIDAVIT-----

I, **Suparna Chatterjee** D/o Lt. Samarendra Chatterjee aged about 30 years by faith: Hindu, by occupation: Housewife, residing at 9, B.N Ghosal Road, PO & PS: Belgharia, Dist: North 24 Parganas, Kolkata - 056 do hereby solemnly affirm and declare as under:-

1. That I am the appellant of the above appeal and as such I am aware of the facts and circumstances of the case.
2. That the statements made above are true to the best of my knowledge and belief.

SL. NO: 13



Solemnly Affirmed And declared
Before me on Identification

K. K. Ghosh Dastidar
Notary
Govt. of India
Regd. No-611/95
Calcutta

Suparna Chatterjee
Deponent
Identified by me
[Signature]

06 SEP 2023

V A K A L A T N A M A

DISTRICT ... North 24 Pgs ...

IN THE COURT OF Ld. ... West Bengal Information Commission

Ref : Case No. of 2023

..... Suparna Chatterjee Petitioner / Complainant / Applicant / FP
Appellant / Claimant

VERSUS

S.P.S.O. Son Respondent / Defendant / Accused / OP

KNOW ALL to whom these present shall come that .. Suparna Chatterjee ..
9 B.D. Ghosal Road P.O. & P.S. - Belghoria Dist: North
24 Pgs Kankalā - 56 ..

..... the abovenamed .. Petitioner do hereby appoint
(hereinafter called the advocates) to be my / our Advocate in the above noted case
authorize him-

1. To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court.
2. To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions review revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.
3. To file and take back documents, to admit and / or deny the documents of opposite party.
4. To take execution proceedings.
5. And I the undersigned do hereby agree to rectify and confirm all acts done by the Advocate in the matter as my own acts, as if done by me to all intents and proposes.
6. And undertake that or my duly authorised agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.

IN WITNESS WHEREOF do hereunto set my hand to these presents the contents of which have been understood by me on this day of ... September 2023.

Satisfied and Accepted.

Advocates

1. Subhankar Roy Advocate
2. M. Q. Ansari Advocate
3. Sudip Kumar Ghosh Advocate

Suparna Chatterjee

Signature / L.T.I. of Executant(s)



সার্বভৌম সরকার
GOVERNMENT OF INDIA



সুপর্ণা চ্যাটার্জী
Suparna Chatterjee
পিতা / Father : সমরেন্দ্র চ্যাটার্জী
জন্ম সাল / Year of Birth : 1993
মহিলা / Female



6669 8747 8141

আধার - সাধারণ মানুষের অধিকার



অনন্যতাবৈশিষ্ট্য পরিচয় প্রাধিকরণ
UNIQUE IDENTIFICATION AUTHORITY OF INDIA

ঠিকানা:
৯, বি.এন.ঘোষাল রোড, লিয়ান
আনন্দম ক্লাব, চৌধুরী পাড়া,
বেলঘরিয়া হ.ও, কলকাতা,
পশ্চিমবঙ্গ, 700056

Address:
9, B.N.Ghosal Road, Near
Anandam Club, Chowdhury
Para, Belgharia H.O,
Belgharia, Kolkata, West
Bengal, 700056

1947
1800 180 1947

help@uidai.gov.in

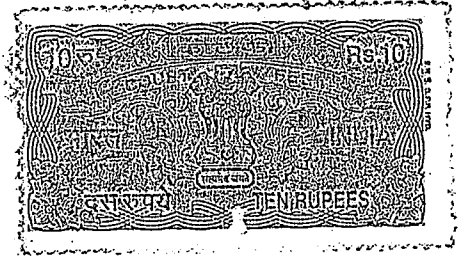
www.uidai.gov.in

P.O. Box No.1947,
Bengaluru-560 001

Attested
Suparna Chatterjee



Suparna Chatterjee
9, B. N. Ghosal Road, Belgharia
Kolkata - 056
Date: ^{02, March,} February 2023



To
The S.P.I.O under RTI Act 05,
Kamarhati Municipality, Rathtala
Kamarhati, Kolkata- 056

Application u/s 6 of RTI Act 06, requesting Inspection
records and taking notes thereof etc.

Respected Sir,

With due respect I, the above name applicant, beg to request you to provide me the following information under section 6 of the RTI Act 05:-

1. Name / names of the person (s) in whose name the license has been issued by the concerned authority in respect of cycle garage in the name style of "Chatterjee Cycle Mart" situated at 4, Station Road Belgharia in municipal ward No 21 of your municipality.
2. Name of the documents / papers submitted by the person who is presently enjoying license for the said premises/ shop.
3. Name and designation of the officer in charge of the department.
4. Name and designation of the person / officer who preside over the BOA on 30.12.2021 and person (s) who presided over the BOC on 28.04.2022.
5. Advise me procedure and fees for obtaining certified copy of board proceedings with minutes / agenda listed for resolution.

I request you to provide me the above information and also request you permit me to inspect records concerning to grant of trade license in respect of the present licensee from the date of granting the present license.

A court fee of Rs 10/- is affixed towards the cost for information under fees rules.

Thanking You Sir,

Yours faithfully
Suparna Chatterjee.
Suparna Chatterjee

Note: Please refer to Sect 2 Sub-Sect (j) (i) & (ii) of RTI Act 05.

Mob: 9143466623
ward no - 21

Attested by me
Suparna Chatterjee
Appellant

Annexure 'B' (9)

of the Municipal Councillors, Kamarhati

M.M. Feeder Road, Rathala, Belgharia, North 24 Parganas, Kolkata - 700 056
9580, 033-2564-8646. Fax: (033) 2564-1361. Email: kamarhati_municipality@rediffmail.com

Dated: 28/03/2023

Memo No: 1727/Gm

To
Suparna Chatterjee,
9, B.N. Ghosal Road,
P.S + P.O- Belgharia,
Kolkata-700056

Sub: - Information under RTI Act, 2005.

Ref: Your RTI application memo no-nil dated-02-03-2023.

Madam,

In response to your application dated-02-03-2023 the undersigned is submitting herewith the following para-wise information.

Qn. No. 1) At present our record shows the above concerned name enlisted is the name of Kanika Chatterjee, proprietor of Chatterjee Cycle Mart and it is her name since 25.02.2011 as per our record.

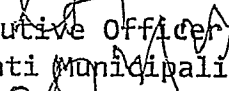
Qn. No. 2) This request relates to a third party so it is without third party consent cannot be given.

Qn. No. 4) BOA dated 30.12.2021 presided over by Sri Gopal Saha, Chairperson.
BOC dated 28.04.2022 presided over by Sri Gopal Saha, Chairman.

Qn. No. 5) You have to apply on a plain paper addressing to Chairman, Kamarhati Municipality alongwith a photocopy of the notice of the meeting. Fees will be intimated to you after receiving of your application in writing.

With regards,

Yours faithfully,

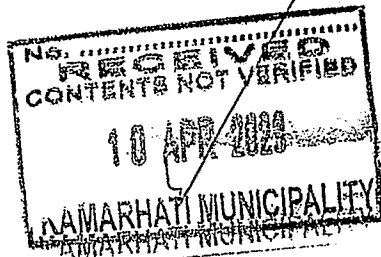

Executive Officer
Kamarhati Municipality
Executive Officer
Kamarhati Municipality

Attested by me
Suparna Chatterjee
Appellant

Date: 10th April 23

To

The Appellate Authority
Under RTI Act '05, Kamarhati Municipality,
Kamarhati, North 24 Parganas, Kolkata- 700 056

First Appeal under RTI Act '05

Smt Suparna Chatterjee,
9, B N Ghosal Road, Belgharia
Kolkata - 056

.....Appellant

-&-

SPIO under RTI Act '05,
Executive officer,
Kamarhati Municipality,
Kamarhati, Kolkata - 056

.....Respondent

The above appellant respectfully submits:-

1. That the appellant made an application on date before the SPIO (hereinafter called Respondent) requesting information i.e. inspection of records and taking notes thereof under Section 6 of the RTI Act '05. A foot note specified the provisions was referred Section 2 Sub-Section (i) Clause (i) & (ii) of the Act ibid.

Copy of the application dated 02.03.23 is filed
Annexure 'A'

2. That the respondent i.e. public authority sent Memo No. 1727 / Gen. dated 28.03.2023 denying the request of the appellant i.e. seeker of information applicant on the plea that the request relates to third party.

Copy of SPIO's memo dated 28.03.23 is filed
Annexure 'B'

That RTI Query No. 2 has been abstracted by stating relates to Third Party by the respondent / SPIO and RTI Query No. 3 has also NOT been answered by your SPIO / respondent.

Contd...P/2

Enclosures -

- ① Photocopy of the application dated 02.03.23
- ② Photocopy of SPIO's memo dated 28.03.23 is filed

Suparna Chatterjee.

Attested by me
Suparna Chatterjee
appellant

:-2:-

Being aggrieved and not satisfied by the decision of the respondent / SPIO the instant appeal is preferred on the grounds as below:-

G R O U N D S

I. As because the SPIO has not adhered to the provisions envisaged Sub-section (8) of Section 7 of the RTI Act '05, procedure laid down where a request has be rejected. The SPIO is supposed to communicate the applicant stating reason for such rejection, the period within which an appeal may be referred and the particulars of the appellate authority.

II. As because the provisions dealing with the third party information as laid down under Section 11 the RTI Act '05 has NOT been complied before rejection of RTI application, the provision is not to reject but to follow drills envisaged a five days written notice to third party of the request would be served on third party inviting submission. It appears that the RTI application rejected illegally and arbitrarily.

III. As because the respondent misconstrued the contents of the application which sought permission to inspect relevant records whereas the respondent has nothing stated in his office Memo dated 28.03.23 rather advised contrary to request totally inconsistent to request.

IV. AS because the request of the applicant / appellant has been wrongfully, illegally and arbitrarily rejected with malice intend to conceal the truth.

Your appellant humbly request you to direct the SPIO to provide information or comply the provisions required under intimation to the appellant or otherwise consider and provide the information which your SPIO / respondent did not provide.

Date - 10.04.2023

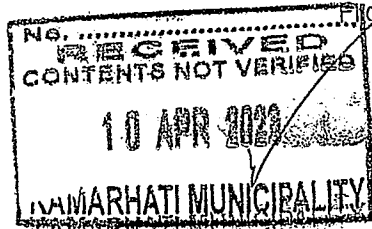
Attested by me
Suparna Chatterjee
appellant

Your faithfully

Suparna Chatterjee.

Smt. Suparna Chatterjee
Appellant

Mobile no - 9143466623



Smt Suparna Chatterjee
9, B.N Ghosal Road,
Belgharia
Kolkata- 056

Date 10th April 23

To,
The Chairman,
Kamarhati Municipality
Kamarhati, Kolkata - 056

An application for certified copies of Board Proceedings
alongwith copies of agenda / minutes of proceedings for
adopted resolution etc.

Reference to your SPIO / Executive Officers Memo No.
1727/Gen dated 28/03/2023.

Respected Sir,

I, the above named applicant beg to state:-

1. That in response to my one RTI application dated 02.03.23, your SPIO/ Executive Officer furnished information vide above memo dated 28.03.23 wherein your SPIO advised the applicant to place one application on plain paper addressed to you. A copy of my RTI and letter of SPIO are filed and marked as **Annexure "A"** & **"B"** respectively.
2. That a Board Proceedings was conducted on 18th August 22 and on Board of Administration was conducted on 30th December 21 and my request is to provide me the copied of proceedings held on above dates respectively at your municipal premises under reference to Calcutta H C Writ No 13264 / 2021. The notice of the meeting is attached herewith and marked as **Annexure "C"**.
3. That please intimate the name and designation of the persons / officials participated in the BOC and BOA at your municipality premises and Agenda point / minutes of the proceedings, for my personal reference and knowledge.
4. That before perusing the matter before a competent Civil Court it is imperatively necessary to know here that who is the owner of the property i.e. 'Chatterjee Cycle Mart' to array party necessary in Civil Suit.
5. That and to what nature of lease is granted by your municipal authority in respect of property i.e. 'Chatterjee Cycle Mart' situated at 4, Railway Road, Belgharia, in Ward No. 21 of your Municipality.

Enclosures —

- ① Photocopy of application dated 02.03.23
- ② Photocopy of SPIO's memo dated 28.03.23 is filed
- ③ Photocopy of B.O.A dated 30.12.2021
- ④ Photocopy of B.O.C dated 18.08.2022

Contd ...P/2

Suparna Chatterjee.

Attested by me
Suparna Chatterjee
Appellant

(2)

6. That from the perusal of information received under RTI from your SPIO reveals two issues i.e. Lease and license – tax. So, it involves person granting lease and the person whom the lease is granted. This particular information is specifically required.
7. That I need to know the persons / officials who presided over the proceedings of both board of proceedings on date 30.12.21 and on 28.04.22 and other members who participated in the meetings with their official designations specifically meeting held on 28.04.22 in respect of Holding No. 939, Ward No. 21.
8. That the result of proceeding of meeting held on 28.04.22 with points of reference / minutes specifying whether property 'Chatterjee Cycle Mart' Holding No. 939, Ward No. 21 is inheritable and transferrable?

In the premises above I request you to intimate me the fees and further steps as per your office memo 1727/Gen dated 28.03.23 and I am ready to comply.

Thanking you Sir,

Date- 10-04-2023

Yours faithfully,

Suparna Chatterjee.

Smt Suparna Chatterjee

Mobile no - 9143466623

Attested by me
Suparna Chatterjee,
Appellant

Annexure 'E'

13
14

Form No 97
[Vide Rules 17 & 249]
KAMARHATI Municipality

Receipt Voucher

No. 1006
Date 29-04-2023

Received From SUPARNA CHATTERJEE

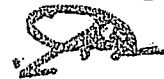
On Account of (Account Head)	Amount	Remarks(if any)
1401351 CERTIFIED COPY	350.00	MT DT-30.12.2021

TOTAL

350.00

The Sum of Rupees Three Hundred Fifty Only

(in figures) Rs.*****350.00 [Cash:*****350.00 , Chq/DD:*****0.00]



Cashier

REC1 29-04-23 12:58 PM

যত্রতত্র ডায়াল ও পলিথিন ফেলবেন না।
এলাকা পরিষ্কার - পরিচ্ছন্ন রাখতে
আপনার সাহায্য প্রয়োজন।

Vice Chairman/Auth.Signatory/E.O.

Attested by me
Suparna Chatterjee
Appellant

Office of the Municipal Councilors, Kamarhati

[Address: 1, M.M. Feeder Road, Rathtala, Belgharia, North 24 Parganas, Kolkata - 700,056
Ph : 033-2564-9580, 033-2564-8646. Fax: (033) 2564-1361. Email :
kamarhati_municipality@rediffmail.com

Dated 25/04/2023

Ref. No. 90/Gm

To
Suparna Chatterjee
9, B.N. Ghosal Road
Belghoria

Re: Certified copy of minutes

Sir,

In reference to prayer dated 10.4.2023 you are hereby requested to deposit Rs.350/- (Rupees three hundred fifty only) as cost of certified copies of the minutes of hearings held on 30.12.2021 and 18.8.2022 before the Board of councillors and Chairman in council respectively. You are also requested to come to the office for the purpose between 12 noon to 2 p.m. on any working day.

With thanks,

Yours faithfully,


Chairman
Kamarhati Municipality

Attested by me
Suparna Chatterjee,
appellant

Extract of minutes of proceedings of meeting of Board of Administrators of Kamarhati Municipality, held on 30th. December, 2021 at 3 p.m. at the Board room of the Municipality

Item NO. 2 To hear Smt. Suparna Chatterjee and Smt. Kanika Chatterjee in respect of the order of Hon'ble High Court, Calcutta.

Smt. Suparna Chatterjee, the complainant was requested to place her statement as per petition dated 30.7.2021. She said that her father Late Samarendra Chatterjee was the proprietor of the shop 'Chatterjee Cycle Mart' and as such she has a right over the said shop and the business. At the time of death of her father, she and her brother were both minor and that is why their names not included in enlistment certificate.

Sri Sanjit Das, advocate of Kanika Chatterjee said that the business was run in favour of his client, i.e. Kanika Chatterjee. Her son doesn't claim the share of his client's business..

Hearing this Smt. Suparna Chatterjee said that her mother gave financial assistance and necessary help to his brother so he not objected.

Both parties were requested to submit necessary documents in favour of their statement within 7 days for taking legal opinion.

Certified to be true extracted


Chairman
Kamarhati Municipality

Attested by me
Suparna Chatterjee,
Appellant

Extract of minutes of the proceedings of the meeting of the Chairman-in-council of Kamarhati Municipality, held on 18th. August, 2022 at 4 P.M. in the Board Room of the Municipality

Item NO.3 To hear Smt. Kanika Chatterjee and Smt. Suparna Chatterjee for objection against trade license in respect of holding no. 939, Ward No. 21. (Ref. BOA m/d. 30.12.21 and BOC dated 28.4.2022)

Chairman informed the house that Suparna Chatterjee filed a WRIT before the Hon'ble High Court, Calcutta. Hon'ble justice Shampa Sarkar by her judgement dated 30.11.2021 directed the Municipality to hear both parties on the representation of Suparna Chatterjee dated 30.7.2021. The Municipality arranged two hearings on 30.12.2021 and 28.4.2022. Suparna Chatterjee was requested to submit her necessary documents in support of her claim. Suparna Chatterjee failed to produce documents in regard to partner in father's shop.

Then the Chairman informed the house that the contention of petition dated 30.7.2021 of Suparna Chatterjee is that her late father, Samarendra Nath Chatterjee was the proprietor of the cycle store under name and style 'Chatterjee Cycle Mart' and as such, she had a right over the said shop and the business as an heir of the deceased.

The chairman requested Suparna Chatterjee to place her submission before the house.

Suparna Chatterjee said she was minor when the proprietorship has been changed in favour of Smt. Kanika Chatterjee, her mother after demise of her father Samarendranath Chatterjee. Now she became an adult and as such, she had a right over the said shop and the business as an heir of the deceased.

Hearing above statement, Chairman said 'Chatterjee Cycle Mart' is a rented shop. Have you any document to prove your right after the said shop and business.

Suparna Chatterjee failed to produce such document and also failed to answer properly.

The chairman then requested Smt. Kanika Chatterjee to place her statement before the house.

Sri Gouranga Majumder, lawyer of Smt. Kanika Chatterjee said as per tenancy act wife will be the tenant in place of her husband.

The house after some discussion decided that whether Suparna Chatterjee has a share in the business is a matter to be decided by a civil court. She may approach to civil court in accordance with law.

Certified to be true extracted


Chairman
Kamarhati Municipality

Attested by me
Suparna Chatterjee
appellant

Office of the Municipal Councillors, Kamarhati

[Address: 1, M.M. Feeder Road, Rathtala, Belgharia, North 24 Parganas, Kolkata, - 700 056]

Ph: 033-2564-9580, 033-2564-8646. Fax: (033) 2564-1361. Email: kamarhati_municipality@rediffmail.com

Memo No: 189/GML

Dated: 22/05/2023

From,
The Chairman and designated as the 1st Appellate Authority,
Kamarhati Municipality.

To,
Smt. Suparna Chatterjee,
Daughter of Late Samarendra Chatterjee,
of 9, B. N. Ghosal Road,
Belgharia, Kolkata - 700 056.

Madam,

This is to inform you that a hearing on your RTI Appeal dated 10/04/2023 will be called for on 26/05/2023 at 3:30 pm at the chamber of the undersigned. You are requested to be present in person in the said hearing along with your supporting documents.


Chairman
Kamarhati Municipality
Chairman
Kamarhati Municipality

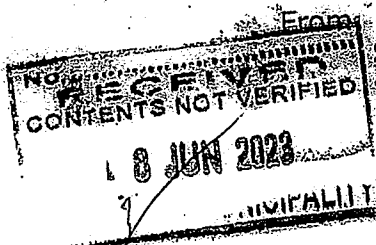
Memo No: 189/1-1/GML

Dated: 22/05/2023

Copy forwarded to the Executive Officer and designated as the SPIO, Kamarhati Municipality with direction to be present in the said hearing along with the relevant documents. He may also be accompanied by such other staff whose assistance may be felt necessary by him during hearing.


Chairman
Kamarhati Municipality
Chairman
Kamarhati Municipality

Attested by me
Suparna Chatterjee
appellant



Smt. **Suparna Chatterjee**
9, B.N Ghosal Road, Belgharia,
Kolkata - 056

Date: 8th June 2023

To,
The Chairman,
Kamarhati Municipality,
Kamarhati, Kolkata - 056

An application for certified copy of Order Sheet of the First Appeal. Hearing held at your Office at Kamarhati Municipality.

Reference to your Office Memo No. 189/Gen dated 22/05/2023 for the hearing of First Appeal.

Respected Sir,

I, the above named applicant beg to state:-

1. That in connection with my RTI application dated 02nd March 23, your SPIO /Executive Officer furnished information vide Memo No. 1727/Gen dated 28th March 23 and thereafter being aggrieved with the reply of SPIO (Executive Officer), I preferred First Appeal before you on 10th April 2023 and in turn I received a letter on 23 May 2023 with abovementioned Memo No. dated 22nd May 2023 for the hearing of the First Appeal at the chamber of the addressee.
2. That the hearing was held on 26th May 2023 at 3:30 PM at the chamber of the addressee. I alongwith my Ld. Advocate attended the hearing.
3. That now I **need the certified copy of the order** of the hearing of First Appeal held at your chamber on 26th May 2023 at 3:30 PM.

In the premises above I request you to intimate me the fees and further steps to get the **Certified Copy of the Order sheet of the hearing held on 26 May 2023 at 3:30 PM** at your chamber at Kamarhati Municipality and I am ready to comply.

Thanking you Sir,

Attested by me
Suparna Chatterjee
Appellant

Yours faithfully,
Suparna Chatterjee
Smt. **Suparna Chatterjee**
M - 914346623

Office of the Municipal Councillors, Kamarhati

[Address: 1, M.M. Feeder Road, Rathtala, Belgharia, North, 24 Parganas, Kolkata - 700 056]

Ph: 033-2564-9580, 033-2564-8646. Fax: (033) 2564-1361. Email:
kamarhati_municipality@rediffmail.com

Memo No: 256/A/Gnl

Dated: 05/06/2023

RTI Applicant : Smt. Suparna Chatterjee,
Public Authority : The Executive Officer & designated as
the SPIO, Kamarhati Municipality
Date of RTI Application : 02/03/2023
Date of 1st RTI Appeal : 10/04/2023
Date of hearing : 26/05/2023

Present :

1. Smt. Suparna Chatterjee The Appellant
2. Md. Qaiyam Ansari Ld. Advocate for the Appellant
3. The Executive Officer The SPIO of this Municipality.
4. Miss Olivia Mukherjee Ld. Advocate for the SPIO

Facts on Records:

Smt. Suparna Chatterjee (hereinafter referred to as Appellant) submitted one RTI application dated 02/03/2023 to the SPIO, Kamarhati Municipality seeking 5 (five) points of information.

Being dissatisfied with reply from the SPIO's end vide Memo No. 1727/Gnl dated 28/03/2023, the Appellant preferred a 1st RTI Appeal before the 1st Appellate Authority on 10/04/2023.

Page 1 of 4

Attested by me
Suparna Chatterjee
appellant

Office of the Municipal Councillors, Kamarhati

[Address: 1, M.M. Feeder Road, Rathtala, Belgharia, North 24 Parganas, Kolkata - 700 056]

Ph: 033-2564-9580, 033-2564-8646. Fax: (033) 2564-1361. Email:
kamarhati_municipality@rediffmail.com

After perusing all the relevant documents as annexed therewith, the 1st Appellate Authority has found sufficient grounds to enquire into the matter and has decided to hear the instant matter on 26/05/2023 around 3:30 p.m in the chamber of the Appellate Authority in presence of all concerned vide Memo No.189/Gnl dated 22/05/2023.

On the date of hearing on 26/05/2023, the Appellant was present in person along with her Ld. Advocate Md. Qaiyam Ansari and the SPIO was also present along with Ld. Advocate and the dealing staff of the concerned department of this Municipality.

Decision :

The matter has been called for hearing as per schedule.

Heard the submission of both the parties and after perusal of the record, it appears that the present SPIO could not provide the reply as per the RTI Act, 2005 as he is newly appointed in this post and he has no knowledge about such RTI Application, subject matter of which was happened much earlier before his joining in this official capacity. In fact, the subject matter of concerned mutation procedure and records were dealt with the earlier board of this Municipality, even before taking charge of this 1st Appellate Authority as the Chairman of this Municipality from the month of January, 2014 onwards.

Attested by me
Suparna Chatterjee
appellant

Office of the Municipal Councillors, Kamarhati

Contd.,

[Address: 1, M.M. Feeder Road, Rathtala, Belgharia, North 24 Parganas, Kolkata - 700 056]

Ph: 033-2564-9580, 033-2564-8646. Fax: (033) 2564-1361. Email:

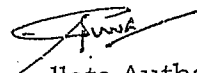
kamarhati_municipality@rediffmail.com

Upon due consideration, the 1st Appellate Authority heard the matter in length and found that upon hearing on this Appellant's application dated-30-07-2021 for insertion of her name in concerned holding no.939 under Ward No.21 of this municipality, she was earlier requested to approach the concerned Civil Court for establishing her claim regarding the suit property and to bring the said decision of the said Court of law before this Municipal Authority for recording her name vide-Item No.2 of CIC meeting dated-18-08-2021. Presently, as per the records available in the computer database of this Municipality, it is the information relating to other person, therefore it is barred to provide such information under sections 8 (1) (g) and 8 (1) (j) read with sections 9 and 11 of the Right to Information Act, 2005 as amended from time to time. But, it would be appropriate to direct the SPIO of Kamarhati Municipality to try to find out the documents related to the concerned mutation by the dealing staffs, if available. All other information provided by the SPIO vide Memo No-1727/Gnl dated-28-03-2023 are correct and according to laws and relevant facts.

Thus, the RTI Appeal dated 10/04/2023 is disposed of.

Let the plain copies of this order be served amongst all concerned.

Dated: 05/06/2023


(1st Appellate Authority)

Kamarhati Municipality
Kamarhati Municipality

Dated: 05/06/2023

Memo No.256/A/1-3/Gnl

Page 3 of 4

*Attested by me
Superna Chatterjee
Appellant*

Office of the Municipal Councillors, Kamarhati

Annexure J
Contd..

23

[Address: 1, M.M. Feeder Road, Rathala, Belgharia, North 24 Parganas, Kolkata - 700 056]

Ph: 033-2564-9580, 033-2564-8646. Fax: (033) 2564-1361. Email:
kamarhati_municipality@rediffmail.com

Plain copy forwarded to:

- A) The SPIO & The Executive Officer, Kamarhati Municipality, 1, M. M. Feeder Road, Rathala, Belghoria, Kolkata - 700 056.
- B) Smt. Suparna Chatterjee, 9, B. N. Ghosal Road, Belgharia, Kolkata - 700 056.
- C) Record Keeper of Kamarhati Municipality.

2-9

(1st Appellate Authority)

Kamarhati Municipality

Chairman

Kamarhati Municipality

Attested by me
Suparna Chatterjee
appellant

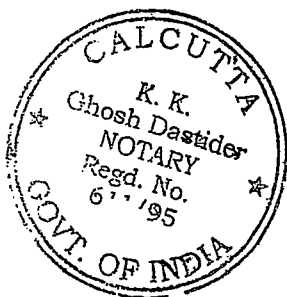
WEST BENGAL INFORMATION COMMISSION, KOLKATA

Khadya Bhawan, 11 Mirza Ghalib Street, Kolkata

Reference:- Complaint Case / /2023
u/S 18(1), 19(3) & 20(1) of the RTI Act '05

Smt. Suparna Chatterjee

.....Appellant



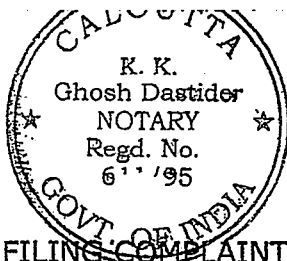
--VS--

1. The SPIO under RTI Act
Executive Officer
2. The Appellate Authority
Under RTI Act '05

.....Respondents

INDEX

<u>Sl No.</u>	<u>Particulars</u>	<u>Page No.</u>	<u>Annexure</u>
01	Complaint filing format	1 - 3	
02	Instant Appeal Petition	4 - 7	
03	RTI application u/S 6 of RTI Act dated 02 nd March 2023	8	A
04	Memo received from SPIO dated 28 th March 2023	9	B
05	RTI First Appeal dated 10 th April 2023	10 - 11	C
06	Application on Plain Paper dated 10 April 2023 (as advised by SPIO)	12 - 13	D
07	Cash Receipt for Certified Copies	14	E
08	Uncertified copies received as Certified Copy	15 - 17	F & G
09	Memo dated 22 nd May 2023	18	H
10	Application asking certified copy of Order of 1 st Appeal hearing held on 26 th May 2023	19	I
11	Certified copy of Order received on 05 th June 2023	20 - 23	J



Suparna Chatterjee
filed by

FORMAT FOR FILING COMPLAINT / 2ND APPEAL BEFORE WEST BENGAL
INFORMATION COMMISSION (Vide Circular No. 1522-WBIC/Admn-05/13
dated 13.08.2014)

Complaint u/S 18(1) ☒

2nd Appeal u/S 19(3) ☒
(Tick relevant box)

1. Name of the Applicant: **SUPARNA CHATTERJEE**
2. Address: **9, BN GHOSHAL ROAD, PO & PS BELGHARIA,
DIST: NORTH 24 PARGANAS, KOL - 056**
3. Date of filing of application under RTI Act. **02 MARCH 2023**
(A self-attested copy of RTI Application should be attached):
4. Name of State Public Information Officer / State Assistant Public Information Officer
to whom the application was made and address:
**EXECUTIVE OFFICER
KAMARHATI MUNICIPALITY
1, M.M. FEEDER ROAD,
PO: KAMARHATI, PS: BELGHARIA,
DIST: NORTH 24 PARGANAS, KOLKATA - 056**
5. Gist of the Information sought for:
 1. Name / names of the person(s) in whose name the license has been issued by the concerned authority in respect of cycle garage in the name style of "Chatterjee Cycle Mart" situated at 4, Station Road Belgharia in municipal ward No 21 of your municipality.
 2. Name of the documents / papers submitted by the person who is presently enjoying license for the said premises/shop.
 3. Name and designation of the officer in charge of the department.
 4. Name and designation of the person / officer who preside over the BOA on 30.12.2021 and person(s) who presided over the BOC on 28.04.2022.
 5. Advise me procedure and fees for obtaining certified copy of board proceedings with minutes / agenda listed for resolution.

Note: Please refer to Sec 2 - Sub-Sec (j) - (i) & (ii) of RTI Act '05.

6. Have you received any response / information? **YES**
(If so, attach a self-attested copy of the same)

For Complaint u/S 18(1) only

1. Grounds for Complaint (strike off items not applicable)
 - (i) Unable to submit request for information because no SPIO / SAPIO has been appointed.
 - (ii) SPIO / SAPIO refused to accept the application / 1st appeal or refused to forward it to SPIO / 1st Appellate Authority.
 - (iii) Refused to access to information requested.
 - (iv) No response to the RTI application received within the time limit specified in the RTI Act.
 - (v) Fee demanded is unreasonable.
 - ☒ (vi) **Information furnished is incomplete / misleading / false.**
 - (vii) Any other (Specify).

::-2-::

Suprema challenge

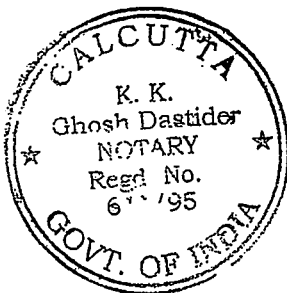
filed by

For 2nd Appeal u/S 19(3) only

1. Date of filing 1st appeal. **10 APRIL 2023**
(A self attested copy of 1st appeal should be attached)
2. Authority to whom the first appeal was made and address:
**THE CHAIRMAN
KAMARHATI MUNICIPALITY
1, M.M. FEEDER ROAD,
PO: KAMARHATI, PS: BELGHARIA,
DIST: NORTH 24 PARGANAS, KOLKATA – 056**
3. Decision of the 1st appellate authority, if any, including number & date of the order:
(A self attested photocopy of the order of the 1st Appellate Authority should be attached)

The applicant preferred First Appeal before 1st appellate authority on 10th April 2023. She received a letter vide Memo No. 189/Gen dated 22nd May 2023 to appear for hearing of the First Appeal at the chamber of the 1st appellate authority on 26th May 2023. The hearing held on 26th May 2023 at 3:30 PM at the chamber of the 1st appellate authority and the applicant appeared along with her Ld. Advocate. The applicant requested for the certified copy of the order of the 1st Appeal hearing through an application on 08th June 2023. The applicant personally visited the office of the 1st appellate authority several times and lastly on 06 July 23 a certified copy of the order of the hearing handed over to the applicant.

4. Grounds for 2nd appeal and the relief sought for (specify):



- i. As because the SPIO / respondent No. 1, has erred and misconstrued the provisions contained in the Act, relating to **Third Party Information**. The SPIO respondent No. 1 could have served notice on third party which in this case has not been complied with.
- ii. As because the SPIO / respondent No. 1 has with some ulterior motive **has deliberately concealed the access** to information with regard to information sought vide para / item No. 2 **on the ground of Third Party Information**.
- iii. As because the SPIO / respondent No. 1, has simply refused the request made in RTI application vide para/ item No. 3, i.e. **the name and designation of the officer in charge of the department**.
- iv. As because the information which the people should know about RTI Act their SPIO and the Appellate Authority limit of time for disposal of the RTI request and fees etc. **No such information is found placed in Notice Board or on some conspicuous place in Municipal office**. And the appellatant was not given any assistance or cooperation.
- v. As because the concerned public authority has intentionally refused to provide access to records for inspection urged by the appellatant / applicant vide her RTI application u/S 6 of the Act dated 02nd March 2023. Please refer to **Annexure "A"**.

:-3:-

Suparna Chatterjee

File by

Signature

- vi. As because the respondents call for a hearing instead of providing the information as per request of the appellant as envisaged in the RTI Act 2005.
- vii. As because the 1st appellate authority has provided the copy of the order of the hearing held on 26 May 2023 at 3:30 PM at his chamber with two different Memo No. in a same letter and the same was .

5. 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 of the 1st appeal explain the reason for the delay.

The certified copy of the order was signed by the 1st Appellate Authority on 05th June 2023 but the same was received by appellant on 6th July 2023.

I, **SUPARNA CHATTERJEE** son-/ daughter of **LT. SAMARENDRA CHATTERJEE** aged about **30** years, being an Indian citizen do hereby solemnly affirm that the statement made herein are true to my knowledge based on records and the rest are my submission to the Hon'ble West Bengal Information Commission.

Place: *Barrackpore*

Date:

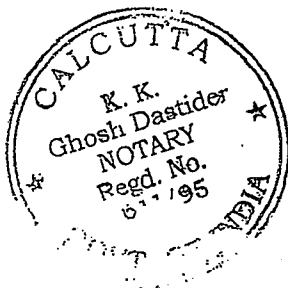
Suparna Chatterjee,

Signature of the complainant / appellant

Smt. Suparna Chatterjee,

Name of the complainant / appellant

Index of attached application is available on separate sheet.



(4)

Suparna Chatterjee

Filed by

RTI

WEST BENGAL INFORMATION COMMISSION, KOLKATA

Khadya Bhawan, 11 Mirza Ghalib Street, Kolkata

Reference:- Complaint Case / /2023
u/S 18(1), 19(3) & 20(1) of the RTI Act '05

Smt. Suparna Chatterjee
D/o Late Samarendra Chatterjee
9, B.N. Ghosal Road, PO & PS: Belgharia,
Dist: North 24 Parganas,
Kolkata - 700 056

.....Appellant

--VS--

1. The SPIO under RTI Act
Executive Officer
Kamarhati Municipality, Kamarhati,
1 M. M. Feeder Road, Belgharia,
Dist: North 24 Parganas, Kolkata,
W.B - 700 056

2. The Appellate Authority
Under RTI Act '05
Kamarhati Municipality, Kamarhati,
1 M. M. Feeder Road, Belgharia,
Dist: North 24 Parganas, Kolkata,
W.B - 700 056

.....Respondents

The humble complain petition of the appellant
named above;

Most respectfully sheweth:-

1) That the appellant made an application dated **02nd March 2023** under RTI Act '05, before the respondent / SPIO requesting information and the said application was received by the office of the respondent / SPIO on same date under the seal and signature of the office.

- Copy of RTI application annexed as **Annexure "A"**

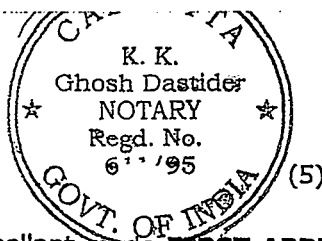
2) That the SPIO respondent furnished information vide Memo No. 1727 / Gen dated **28th March 2023** to the applicant / appellant. The information received from the SPIO / Respondent is **incomplete, misleading, vague and confusing and some of requests / information have been denied** by the Respondent / SPIO. The SPIO was silent regarding the request of the appellant of **inspection of the document** u/S 2 - Sub-Sec (j) - (i) & (ii) of RTI Act '05.

- Copy of Memo received annexed as **Annexure "B"**

3) That the SPIO / respondent has furnished incomplete, vague, misleading and false information **which invites penalty besides disciplinary action** for not providing access to information to the appellant and respondents / public authority also deserves action as envisaged under the Act.

Cont'd....P-5





Suparna Chatterjee

File by

- 4) That the appellant made **FIRST APPEAL to the appellate authority** on **10th April 2023** under RTI Act '05 and the said application was received by the office of the respondent No. 2 on same date under seal and signature of the office.
- Copy of First Appeal annexed as **Annexure "C"**
- 5) That the Appellate Authority, Kamarhati Municipality **has not responded to the first appeal under RTI Act '05** received by the office of the Appellate Authority on 10th April 2023 under seal and signature of the office. The acts of the public authority / SPIO / respondent / Appellate Authority **showed casual attitude of the authority concerned dealing with rights of the citizen.**
- 6) That the appellant also submitted **one application on plain paper** dated 10th April 2023 before the Chairman, Kamarhati Municipality, Kamarhati, Kolkata - 056, **as advised by the SPIO** vide Memo No. 1727/Gen dated 28/3/2023, **requesting to supply certified copies of Board of proceedings with copies of agenda / minutes of proceedings held on 30th December 2021 & on 18th August 2022** and the persons / officials who presided over the proceedings of both board of proceedings on date 30.12.21 and on 28.04.22 and other members who participated in the meetings with their official designations specifically meeting held on 28.04.22 in respect of Holding No. 939, Ward No. 21 of Kamarhati Municipality.
- Copy of application annexed as **Annexure "D"**
- 7) That the appellant was **asked to pay Rs. 350/-** to supply the certified copy mentioned above. The appellant paid the amount **vide Cash-Receipt No. 1006 dated 29th April 2023** and the concerned authority provided only **two Folios of uncertified copies** of the proceedings against the payment made herein.
- A Copy of Cash-Receipt annexed as **Annexure "E"**
 - Copies of uncertified copies supplied by Municipality annexed as **Annexure "F" & "G"**
- 8) That the appellant feels to be agonised / exploited and charged exuberantly for supplying 2 A-4 size folios / copies as certified copy and the appellant believes that the Hon'ble Commission has jurisdiction to take cognizance to initiate action.
- 9) That the Respondent No. 2 / First Appellate Authority calls for a hearing on 26th May 2023 vide Kamarhati Municipality Memo No. 189/Gen dated 22nd May 2023 which is received by the appellant on 23rd May 2023.
- A copy of the Memo dated 22nd May 2023 is filed & annexed as **Annexure "H"**
- 10) That the appellant along with her counsel appeared for hearing at the scheduled date and time at the office of the Respondent No. 2, but the respondents didn't provide any further information as asked u/S 6 of RTI Act 2005 dated 02nd March 2023. It was informed that there is NO any information to provide to the appellant and as per the respondents, all the information was provided to the appellant and the respondent No. 2 asked the appellant to sign on a blank paper after the completion of the hearing. On good faith, the appellant did as per the instruction of the authority.
- 11) That the appellant **requested for the certified copy of the order** of the 1st appeal hearing held on 26th May 2023, through a letter dated 08 June 2023.
- A copy of the letter dated 08th June 2023 for certified copy of the order of hearing held on 26th May 2023 at 3:30 PM annexed as **Annexure "I"**

(6)

Suparna Chatterjee

Filed by

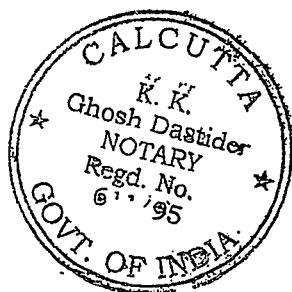
12) That the appellant received a certified copy of the order of the 1st appeal hearing held on 26th May 2023 at 3:30 PM at the office of the respondent No. 2 on 06th July 2023.

- A copy of the certified copy of the Order of hearing held at the Office of respondent No. 2 annexed as **Annexure "J"**

Being aggrieved and dissatisfied with the decision dated 28th March 2023 of the SPIO / respondent No. 1 and withholding **First Appeal** under RTI Act dated 10th April 2023 by the Appellate Authority / Respondent No. 2, the Instant complaint is preferred as pray as under:-

GROUND S

- As because the SPIO / respondent No. 1, has erred and misconstrued the provisions contained in the Act, relating to **Third Party Information**. The SPIO respondent No. 1 could have served notice on third party which in this case has not been complied with.
- As because the SPIO / respondent No. 1 has with some ulterior motive **has deliberately concealed the access** to information with regard to information sought vide para / item No. 2 **on the ground of Third Party Information**.
- As because the SPIO / respondent No. 1, has simply refused the request made in RTI application vide para/ item No. 3, i.e. **the name and designation of the officer in charge of the department**.
- As because the information which the people should know about RTI Act their SPIO and the Appellate Authority limit of time for disposal of the RTI request and fees etc. **No such information is found placed in Notice Board or on some conspicuous place in Municipal office**. And the appellant was not given any assistance or cooperation.
- As because the concerned public authority has intentionally refused to provide access to records for inspection urged by the appellant / applicant vide her RTI application u/S 6 of the Act dated 02nd March 2023. Please refer to **Annexure "A"**.
- As because the respondents call for a hearing instead of providing the information as per request of the appellant as envisaged in the RTI Act 2005.
- As because the 1st appellate authority has supplied the certified copy of the order of the hearing held on 26th May 2023 at 3:30 PM at his chamber after the expiry of the stipulated time as envisaged under the Act.



-----Prayer-----

Under the fact and circumstances above, it is prayed that your Honour would graciously be pleased to consider and be kind enough to issue summons against the **SPIO** and the **Appellate Authority** being public authorities, and **direct to provide information, impose necessary penalty** for the omission, harassments and mental agony etc **as per the Act**.

:-7:-

Suparna Chatterjee

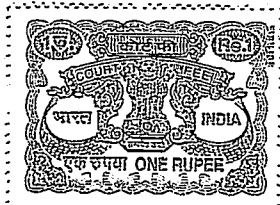
[Signature]

---VERIFICATION---

I, **Suparna Chatterjee**, the appellant of the above appeal do hereby verify and state that the statements made above are true to my knowledge and belief and I signed this verification to this day of September 2023 at Kolkata.

Suparna Chatterjee
Appellant

Before the Notary Public Calcutta

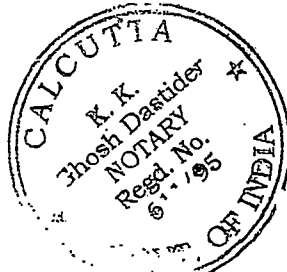


---AFFIDAVIT---

I, **Suparna Chatterjee** D/o Lt. Samarendra Chatterjee aged about 30 years by faith: Hindu, by occupation: Housewife, residing at 9, B.N Ghosal Road, PO & PS: Belgharia, Dist: North 24 Parganas, Kolkata - 056 do hereby solemnly affirm and declare as under:-

1. That I am the appellant of the above appeal and as such I am aware of the facts and circumstances of the case.
2. That the statements made above are true to the best of my knowledge and belief.

SL. NO: 13



Solemnly Affirmed And declared
Before me on Identification

K. K. Ghosh Dastidar
Notary
Govt. of India
Regd. No. 614/95
Calcutta

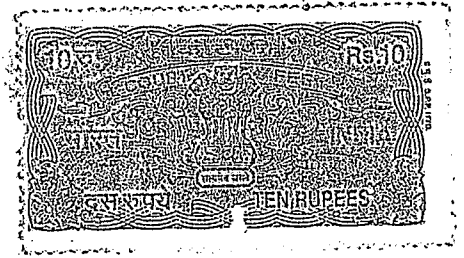
Suparna Chatterjee
Deponent
[Signature]
Identified by me
[Signature]

06 SEP 2023



Suparna Chatterjee
9, B. N. Ghosal Road, Belgharia
Kolkata - 056

Date: ^{02, March} February 2023



To
The S.P.I.O under RTI Act 05,
Kamarhati Municipality, Rathtala
Kamarhati, Kolkata- 056

Application u/s 6 of RTI Act 06, requesting Inspection
records and taking notes thereof etc.

Respected Sir,

With due respect I, the above name applicant, beg to request you to provide me the following information under section 6 of the RTI Act 05:-

1. Name / names of the person (s) in whose name the license has been issued by the concerned authority in respect of cycle garage in the name style of "Chatterjee Cycle Mart" situated at 4, Station Road Belgharia in municipal ward No 21 of your municipality.
2. Name of the documents / papers submitted by the person who is presently enjoying license for the said premises/ shop.
3. Name and designation of the officer in charge of the department.
4. Name and designation of the person / officer who preside over the BOA on 30.12.2021 and person (s) who presided over the BOC on 28.04.2022.
5. Advise me procedure and fees for obtaining certified copy of board proceedings with minutes / agenda listed for resolution.

I request you to provide me the above information and also request you permit me to inspect records concerning to grant of trade license in respect of the present licensee from the date of granting the present license.

A court fee of Rs 10/- is affixed towards the cost for information under fees rules.

Thanking You Sir,

Yours faithfully

Suparna Chatterjee
Suparna Chatterjee

Note: Please refer to Sect 2 Sub-Sect (j) (i) & (ii) of RTI Act 05.

Mob: 9143466623

Word no - 21

Attested by me
Suparna Chatterjee
applicant

Office of the Municipal Councillors, Kamarhati

[Address: 1, M.M. Feeder Road, Rathala, Belgharia, North 24 Parganas, Kolkata, - 700,056]

Ph: 033-2564-9580, 033-2564-8646. Fax: (033) 2564-1361. Email: kamarhati_municipality@rediffmail.com

Memo No: 1727/Gm

Dated: 28/03/2023

To
Suparna Chatterjee,
9, B.N. Ghosal Road,
P.S + P.O- Belgharia,
Kolkata-700056

Sub: - Information under RTI Act, 2005.

Ref: Your RTI application memo no-nil dated-02-03-2023.

Madam,

In response to your application dated-02-03-2023 the undersigned is submitting herewith the following para-wise information.

Qn. No. 1) At present our record shows the above concerned name enlisted is the name of Kanika Chatterjee, proprietor of Chatterjee Cycle Mart and it is her name since 25.02.2011 as per our record.

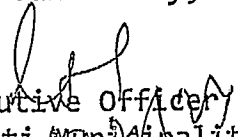
Qn. No. 2) This request relates to a third party so it is without third party consent cannot be given.

Qn. No. 4) BOA dated 30.12.2021 presided over by Sri Gopal Saha, Chairperson.
BOC dated 28.04.2022 presided over by Sri Gopal Saha, Chairman.

Qn. No. 5) You have to apply on a plain paper addressing to Chairman, Kamarhati Municipality alongwith a photocopy of the notice of the meeting. Fees will be intimated to you after receiving of your application in writing.

With regards,

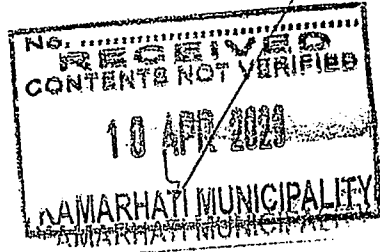
Yours faithfully,


Executive Officer
Kamarhati Municipality
Executive Officer
Kamarhati Municipality

Attested by me
Suparna Chatterjee
appeallant

Date: 10th April 23

To
The Appellate Authority
Under RTI Act '05, Kamarhati Municipality,
Kamarhati, North 24 Parganas, Kolkata- 700 056

First Appeal under RTI Act '05

Smt Suparna Chatterjee,
9, B N Ghosal Road, Belgharia
Kolkata - 056

.....Appellant

-&-

SPIO under RTI Act '05,
Executive officer,
Kamarhati Municipality,
Kamarhati, Kolkata - 056

.....Respondent

The above appellant respectfully submits:-

1. That the appellant made an application on date before the SPIO (hereinafter called Respondent) requesting information i.e. **inspection of records and taking notes** thereof under Section 6 of the RTI Act '05. A foot note specified the provisions was referred Section 2 Sub-Section (j) Clause (i) & (ii) of the Act *ibid*.

Copy of the application dated 02.03.23 is filed
Annexure 'A'

2. That the respondent i.e. public authority sent Memo No. 1727 / Gen. dated 28.03.2023 denying the request of the appellant i.e. seeker of information applicant on the plea that the request relates to **third party**.

Copy of SPIO's memo dated 28.03.23 is filed
Annexure 'B'

That RTI Query No. 2 has been abstracted by stating relates to Third Party by the respondent / SPIO and RTI Query No. 3 has also NOT been answered by your SPIO / respondent.

Enclosures -

- ① Photocopy of the application dated 02.03.23
- ② Photocopy of SPIO's memo dated 28.03.23 is filed

Suparna Chatterjee.

Contd...P/2

Attested by me
Suparna Chatterjee.
appellant

:-2:-

Being aggrieved and not satisfied by the decision of the respondent / SPIO the instant appeal is preferred on the grounds as below:-

G R O U N D S

I. As because the SPIO has not adhered to the provisions envisaged Sub-section (8) of Section 7 of the RTI Act '05, procedure laid down where a request has be rejected. The SPIO is supposed to communicate the applicant stating reason for such rejection, the period within which an appeal may be referred and the particulars of the appellate authority.

II. As because the provisions dealing with the third party information as laid down under Section 11 the RTI Act '05 has NOT been complied before rejection of RTI application, the provision is not to reject but to follow drills envisaged a five days written notice to third party of the request would be served on third party inviting submission. It appears that the RTI application rejected illegally and arbitrarily.

III. As because the respondent misconstrued the contents of the application which sought permission to inspect relevant records whereas the respondent has nothing stated in his office Memo dated 28.03.23 rather advised contrary to request totally inconsistent to request.

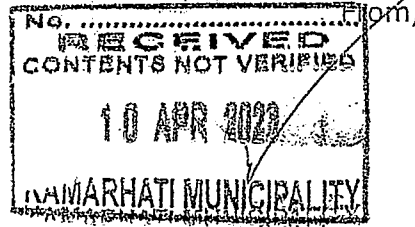
IV. AS because the request of the applicant / appellant has been wrongfully, illegally and arbitrarily rejected with malice intend to conceal the truth.

Your appellant humbly request you to direct the SPIO to provide information or comply the provisions required under intimation to the appellant or otherwise consider and provide the information which your SPIO / respondent did not provide.

Date - 10.04.2023

Attested by me
Suparna Chatterjee
appellant

Your faithfully
Suparna Chatterjee.
Smt. Suparna Chatterjee
Appellant
mobile no - 9143466623



From,
Smt Suparna Chatterjee
9, B.N Ghosal Road,
Belgharia
Kolkata- 056

Date 10th April 23

To,
The Chairman,
Kamarhati Municipality
Kamarhati, Kolkata - 056

An application for certified copies of Board Proceedings alongwith copies of agenda / minutes of proceedings for adopted resolution etc.

Reference to your SPIO / Executive Officers Memo No. 1727/Gen dated 28/03/2023.

Respected Sir,

I, the above named applicant beg to state:-

1. That in response to my one RTI application dated 02.03.23, your SPIO/ Executive Officer furnished information vide above memo dated 28.03.23 wherein your SPIO advised the applicant to place one application on plain paper addressed to you. A copy of my RTI and letter of SPIO are filed and marked as **Annexure "A"** & **"B"** respectively.
2. That a Board Proceedings was conducted on 18th August 22 and on Board of Administration was conducted on 30th December 21 and my request is to provide me the copied of proceedings held on above dates respectively at your municipal premises under reference to Calcutta H C Writ No 13264 / 2021. The notice of the meeting is attached herewith and marked as **Annexure "C"**.
3. That please intimate the name and designation of the persons / officials participated in the BOC and BOA at your municipality premises and Agenda point / minutes of the proceedings, for my personal reference and knowledge.
4. That before perusing the matter before a competent Civil Court it is imperatively necessary to know here that who is the owner of the property i.e. 'Chatterjee Cycle Mart' to array party necessary in Civil Suit.
5. That and to what nature of lease is granted by your municipal authority in respect of property i.e. 'Chatterjee Cycle Mart' situated at 4, Railway Road, Belgharia, in Ward No. 21 of your Municipality.

Enclosures —

- ① Photocopy of application dated 02.03.23
- ② Photocopy of SPIO's memo dated 28.03.23 is filed
- ③ Photocopy of B.O.A dated 30.12.2021
- ④ Photocopy of B.O.C dated 18.08.2022

Contd ...P/2

Suparna Chatterjee
Attested by me
Suparna Chatterjee
appellant

(2)

6. That from the perusal of information received under RTI from your SPIO reveals two issues i.e. Lease and license – tax. So, it involves person granting lease and the person whom the lease is granted. This particular information is specifically required.
7. That I need to know the persons / officials who presided over the proceedings of both board of proceedings on date 30.12.21 and on 28.04.22 and other members who participated in the meetings with their official designations specifically meeting held on 28.04.22 in respect of Holding No. 939, Ward No. 21.
8. That the result of proceeding of meeting held on 28.04.22 with points of reference / minutes specifying whether property 'Chatterjee Cycle Mart' Holding No. 939, Ward No. 21 is inheritable and transferrable?

In the premises above I request you to intimate me the fees and further steps as per your office memo 1727/Gen dated 28.03.23 and I am ready to comply.

Thanking you Sir,

Date- 10.04.2023

Yours faithfully,

Suparna Chatterjee.

Smt Suparna Chatterjee

Mobile no - 9143466623

Attested by me
Suparna Chatterjee
appeallant

Form No 97
[Vide Rules 17 & 249]
KAMARHATI Municipality

Receipt Voucher

No. 1006
Date 29-04-2023

Annexure 'E'

14

Received From SUPARNA CHATTERJEE

On Account of (Account Head)	Amount	Remarks(if any)
1401351 CERTIFIED COPY	350.00	MT DT-30.12.2021

TOTAL 350.00

The Sum of Rupees Three Hundred Fifty Only

(in figures) Rs.*****350.00 [Cash:*****350.00 , Chq/DD:*****0.00]

Cashier
REC1 29-04-23 12:58 PM

মতত্র জগদাল ও পলিখিন ফেলবেন না।
এলাকা পরিস্কার - পরিচ্ছন্ন রাখতে
আপনার সাহায্য প্রয়োজন।

Vice Chairman/Auth.Signatory/E.O.

Attested by me
Suparna Chatterjee
appellant

Office of the Municipal Councillors, Kamarhati

[Address: 1, M.M. Feeder Road, Rathtala, Belgharia, North, 24, Parganas, Kolkata - 700 056

Ph : 033-2564-9580, 033-2564-8646. Fax: (033) 2564-1361. Email :
kamarhati_municipality@rediffmail.com

Ref. No. 90/Gm

Dated 25/04/2023

To
Suparna Chatterjee
9, B.N. Ghosal Road
Belghoria

Re: Certified copy of minutes

Sir,

In reference to prayer dated 10.4.2023 you are hereby requested to deposit Rs.350/- (Rupees three hundred fifty only) as cost of certified copies of the minutes of hearings held on 30.12.2021 and 18.8.2022 before the Board of councillors and Chairman in council respectively. You are also requested to come to the office for the purpose between 12 noon to 2 p.m. on any working day.

With thanks,

Yours faithfully,


Chairman
Kamarhati Municipality

Attested by me
Suparna Chatterjee
appeallant

Extract of minutes of proceedings of meeting of Board of Administrators of Kamarhati Municipality, held on 30th. December, 2021 at 3 p.m. at the Board room of the Municipality

Item NO. 2 To hear Smt. Suparna Chatterjee and Smt. Kanika Chatterjee in respect of the order of Hon'ble High Court, Calcutta.

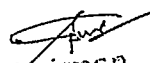
Smt. Suparna Chatterjee, the complainant was requested to place her statement as per petition dated 30.7.2021. She said that her father Late Samarendra Chatterjee was the proprietor of the shop 'Chatterjee Cycle Mart' and as such she has a right over the said shop and the business. At the time of death of her father, she and her brother were both minor and that is why their names not included in enlistment certificate.

Sri Sanjit Das, advocate of Kanika Chatterjee said that the business was run in favour of his client, i.e. Kanika Chatterjee. Her son doesn't claim the share of his client's business..

Hearing this Smt. Suparna Chatterjee said that her mother gave financial assistance and necessary help to his brother so he not objected.

Both parties were requested to submit necessary documents in favour of their statement within 7 days for taking legal opinion.

Certified to be true extracted


Chairman
Kamarhati Municipality

Attested by me
Suparna Chatterjee
appellant

Extract of minutes of the proceedings of the meeting of the Chairman-in-council of Kamarhati Municipality, held on 18th. August, 2022 at 4 P.M. in the Board Room of the Municipality

Item NO.3 To hear Smt. Kanika Chatterjee and Smt. Suparna Chatterjee for objection against trade license in respect of holding no. 939, Ward No. 21. (Ref. BOA m/d. 30.12.21 and BOC dated 28.4.2022)

Chairman informed the house that Suparna Chatterjee filed a WRIT before the Hon'ble High Court, Calcutta. Hon'ble justice Shampa Sarkar by her judgement dated 30.11.2021 directed the Municipality to hear both parties on the representation of Suparna Chatterjee dated 30.7.2021. The Municipality arranged two hearings on 30.12.2021 and 28.4.2022. Suparna Chatterjee was requested to submit her necessary documents in support of her claim. Suparna Chatterjee failed to produce documents in regard to partner in father's shop.

Then the Chairman informed the house that the contention of petition dated 30.7.2021 of Suparna Chatterjee is that her late father, Samarendra Nath Chatterjee was the proprietor of the cycle store under name and style 'Chatterjee Cycle Mart' and as such, she had a right over the said shop and the business as an heir of the deceased.

The chairman requested Suparna Chatterjee to place her submission before the house.

Suparna Chatterjee said she was minor when the proprietorship has been changed in favour of Smt. Kanika Chatterjee, her mother after demise of her father Samarendranath Chatterjee. Now she became an adult and as such, she had a right over the said shop and the business as an heir of the deceased.

Hearing above statement, Chairman said 'Chatterjee Cycle Mart' is a rented shop. Have you any document to prove your right after the said shop and business.

Suparna Chatterjee failed to produce such document and also failed to answer properly.

The chairman then requested Smt. Kanika Chatterjee to place her statement before the house.

Sri Gouranga Majumder, lawyer of Smt. Kanika Chatterjee said as per tenancy act wife will be the tenant in place of her husband.

The house after some discussion decided that whether Suparna Chatterjee has a share in the business is a matter to be decided by a civil court. She may approach to civil court in accordance with law.

Certified to be true extracted


Chairman
Kamarhati Municipality

Attested by me
Suparna Chatterjee
appellant

Office of the Municipal Councillors, Kamarhati

[Address: 1, M.M. Feeder Road, Rathtala, Belgharia, North 24 Parganas, Kolkata - 700 056]
Ph: 033-2564-9580, 033-2564-8646. Fax: (033) 2564-1361. Email: kamarhati_municipality@rediffmail.com

Memo No: 189/GML

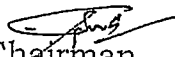
Dated: 22/05/2023

From,
The Chairman and designated as the 1st Appellate Authority,
Kamarhati Municipality.

To,
Smt. Suparna Chatterjee,
Daughter of Late Samarendra Chatterjee,
of 9, B. N. Ghosal Road,
Belgharia, Kolkata - 700 056.

Madam,

This is to inform you that a hearing on your RTI Appeal dated 10/04/2023 will be called for on 26/05/2023 at 3:30 pm at the chamber of the undersigned. You are requested to be present in person in the said hearing along with your supporting documents.


Chairman

Kamarhati Municipality

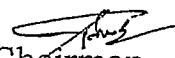
Kamarhati Municipality

Memo No: 189/1-1/GML

Dated: 22/05/2023

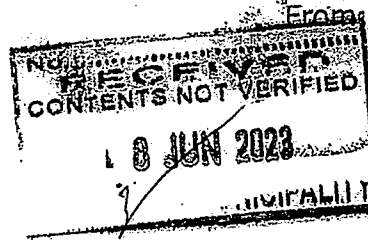
Copy forwarded to the Executive Officer and designated as the SPIO, Kamarhati Municipality with direction to be present in the said hearing along with the relevant documents. He may also be accompanied by such other staff whose assistance may be felt necessary by him during hearing.

*Attested by me
Suparna Chatterjee
appellant*


Chairman

Kamarhati Municipality

Kamarhati Municipality



Smt. Suparna Chatterjee
9, B.N Ghosal Road, Belgharia,
Kolkata - 056

To,
The Chairman,
Kamarhati Municipality,
Kamarhati, Kolkata - 056

An application for certified copy of Order Sheet of the First Appeal Hearing held at your Office at Kamarhati Municipality.

Reference to your Office Memo No. 189/Gen dated 22/05/2023 for the hearing of First Appeal.

Respected Sir,

I, the above-named applicant beg to state:-

1. That in connection with my RTI application dated 02nd March 23, your SPIO /Executive Officer furnished information vide Memo No. 1727/Gen dated 28th March 23 and thereafter being aggrieved with the reply of SPIO (Executive Officer), I preferred First Appeal before you on 10th April 2023 and in turn I received a letter on 23 May 2023 with abovementioned Memo No. dated 22nd May 2023 for the hearing of the First Appeal at the chamber of the addressee.
2. That the hearing was held on 26th May 2023 at 3:30 PM at the chamber of the addressee. I alongwith my Ld. Advocate attended the hearing.
3. That now I **need the certified copy of the order** of the hearing of First Appeal held at your chamber on 26th May 2023 at 3:30 PM.

In the premises above I request you to intimate me the fees and further steps to get the **Certified Copy of the Order sheet of the hearing held on 26 May 2023 at 3:30 PM** at your chamber at Kamarhati Municipality and I am ready to comply.

Thanking you Sir,

*Attested by me
Suparna Chatterjee
Appellant*

Yours faithfully,

Suparna Chatterjee

Smt. Suparna Chatterjee
M - 914346623

Office of the Municipal Councillors, Kamarhati

[Address: 1, M.M. Feeder Road, Rathtala, Belgharia, North 24 Parganas, Kolkata - 700 056]

Ph: 033-2564-9580, 033-2564-8646. Fax: (033) 2564-1361. Email:
kamarhati_municipality@rediffmail.com

Memo No: 256/A/Gnl

Dated: 05/06/2023

RTI Applicant : Smt. Suparna Chatterjee,
Public Authority : The Executive Officer & designated as
the SPIO, Kamarhati Municipality
Date of RTI Application : 02/03/2023
Date of 1st RTI Appeal : 10/04/2023
Date of hearing : 26/05/2023

Present :

1. Smt. Suparna Chatterjee The Appellant
2. Md. Qaiyam Ansari Ld. Advocate for the Appellant
3. The Executive Officer The SPIO of this Municipality.
4. Miss Olivia Mukherjee Ld. Advocate for the SPIO

Facts on Records:

Smt. Suparna Chatterjee (hereinafter referred to as Appellant) submitted one RTI application dated 02/03/2023 to the SPIO, Kamarhati Municipality seeking 5 (five) points of information.

Being dissatisfied with reply from the SPIO's end vide Memo No. 1727/Gnl dated 28/03/2023, the Appellant preferred a 1st RTI Appeal before the 1st Appellate Authority on 10/04/2023.

*Attested by me
Suparna chatterjee
appellant*

Office of the Municipal Councillors, Kamarhati

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After perusing all the relevant documents as annexed therewith, the 1st Appellate Authority has found sufficient grounds to enquire into the matter and has decided to hear the instant matter on 26/05/2023 around 3:30 p.m in the chamber of the Appellate Authority in presence of all concerned vide Memo No.189/Gnl dated 22/05/2023.

On the date of hearing on 26/05/2023, the Appellant was present in person along with her Ld. Advocate Md. Qaiyam Ansari and the SPIO was also present along with Ld. Advocate and the dealing staff of the concerned department of this Municipality.

Decision :

The matter has been called for hearing as per schedule.

Heard the submission of both the parties and after perusal of the record, it appears that the present SPIO could not provide the reply as per the RTI Act, 2005 as he is newly appointed in this post and he has no knowledge about such RTI Application, subject matter of which was happened much earlier before his joining in this official capacity. In fact, the subject matter of concerned mutation procedure and records were dealt with the earlier board of this Municipality, even before taking charge of this 1st Appellate Authority as the Chairman of this Municipality from the month of January, 2014 onwards.

Attested by me
Suparna Chatterji.
appellant

Annexure J (22) Contd...

Office of the Municipal Councillors, Kamarhati

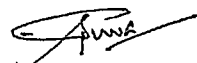
[Address: 1, M.M. Feeder Road, Rathtala, Belgharia, North 24 Parganas, Kolkata - 700 056]
Ph: 033-2564-9580, 033-2564-8646. Fax: (033) 2564-1361. Email: kamarhati_municipality@rediffmail.com

Upon due consideration, the 1st Appellate Authority heard the matter in length and found that upon hearing on this Appellant's application dated- 30-07-2021 for insertion of her name in concerned holding no.939 under Ward No.21 of this municipality, she was earlier requested to approach the concerned Civil Court for establishing her claim regarding the suit property and to bring the said decision of the said Court of law before this Municipal Authority for recording her name vide-Item No.2 of CIC meeting dated- 18-08-2021. Presently, as per the records available in the computer database of this Municipality, it is the information relating to other person, therefore it is barred to provide such information under sections 8 (1) (g) and 8 (1) (j) read with sections 9 and 11 of the Right to Information Act, 2005 as amended from time to time. But, it would be appropriate to direct the SPIO of Kamarhati Municipality to try to find out the documents related to the concerned mutation by the dealing staffs, if available. All other information provided by the SPIO vide Memo No-1727/Gnl dated-28-03-2023 are correct and according to laws and relevant facts.

Thus, the RTI Appeal dated 10/04/2023 is disposed of.

Let the plain copies of this order be served amongst all concerned.

Dated: 05/06/2023


(1st Appellate Authority)

Kamarhati Municipality

Kamarhati Municipality

Dated: 05/06/2023

Memo No.256/A/1-3/Gnl

Page 3 of 4

Attested by me
Suparna Chatterjee
Appellant

Office of the Municipal Councillors, Kamarhati

[Address: 1, M.M. Feeder Road, Rathala, Belgharia, North 24 Parganas, Kolkata - 700 056]

Ph: 033-2564-9580, 033-2564-8646. Fax: (033) 2564-1361. Email:

kamarhati_municipality@rediffmail.com

Plain copy forwarded to:

- A) The SPIO & The Executive Officer, Kamarhati Municipality, 1, M. M. Feeder Road, Rathala, Belghoria, Kolkata - 700 056.
- B) Smt. Suparna Chatterjee, 9, B. N. Ghosal Road, Belgharia, Kolkata - 700 056.
- C) Record Keeper of Kamarhati Municipality.

(1st Appellate Authority)

Kamarhati Municipality
Chairman

Kamarhati Municipality

Email**State Chief Information Commissioner West Bengal**

Hearing on 20-05-2025

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

Mon, Apr 28, 2025 03:52 PM

 2 attachments

Subject : Hearing on 20-05-2025

To : kamarhati municipality
<kamarhati_municipality@rediffmail.com>

Cc : chatterjee suparna93
<chatterjee.suparna93@gmail.com>

Please find the attachment, for further details visit our website

West Bengal Information Commission



WBIC-RTI-C-105032-1050-2025 HN.pdf

16 KB



WBIC-RTI-A-100143-1039-2025 HN.pdf

16 KB

WEST BENGAL INFORMATION COMMISSION
Khadya Bhavan, 11A, Mirza Ghalib Street, Kolkata – 700 087.
Phone No. (033) 2252 0509, 2252 0501
Website : www.wbic.gov.in ; e-mail : scic-wb@nic.in

Appeal/Complaint No. 100143 (A) of 2025 (N)/323 (A) of 2023 (O) & 105032 (C) of 2025 (N)/3317 (C) of 2023 (O) Under the Right to Information Act, 2005.

RTI Applicant : Smt. Suparna Chatterjee
SPIO : Shri Sandip Dutta
Executive Officer & SPIO, Kamarhati Municipality.
1st Appellate Authority : Shri Gopal Saha,
Chairman & 1st Appellate Authority,
Kamarhati Municipality
Date of RTI : 22.08.2022, 02.03.2023
Date of 1st Appeal : 19.11.2022, Nil
Date of 2nd Appeal before the Commission : 30.01.2023, 08.09.2023
Date of Hearing : 20.05.2025
Present for hearing -
a) SPIO : Virtually
b) 1st Appellate Authority : Absent
c) Applicant : In person

Ref. : i) Hearing Notice No. : 2380-WBIC/RTI/A/100143/1039/2025 Dated – 16.04.2025

ii) Hearing Notice No. : 2381-WBIC/RTI/C/105032/1050/2025 Dated – 16.04.2025

Facts on Records :

1. Smt. Suparna Chatterjee, daughter of Samarendra Chatterjee, the appellant submitted two RTI applications dated- 22.08.2022 & 02.03.2023 to the SPIO, Kamarhati Municipality. Being dissatisfied she submitted 1st appeal to the concerned department and 2nd appeal /complaint to the WBIC.
2. A) Smt. Suparna Chatterjee, vide her application dated- 22.08.2022 requested for the following information from SPIO, Kamarhati Municipality.:
 - i) When the last trade license was issued in the name of Samarendra Chatterjee? Please supply the photocopy of the trade license.

- ii) When the first license was issued in the name of Kanika Chatterjee after the death of Samarendra Chatterjee?
- iii) Which documents were submitted by Kanika Chatterjee on the basis of which the name of Samarendra Chatterjee was deleted from the roll of the license and the first license of Kanika Chatterjee was issued? Please supply me the photocopy of the said documents in manual submission of documents if software does not reflect.
- B) Grounds for 2nd appeal is non-receipt of information.
3. A) Smt. Suparna Chatterjee, vide her application dated- 02.03.2023 requested for the following information from SPIO, Kamarhati Municipality.:
- i) Name / names of the person (s) in whose name the license has been issued by the concerned authority in respect of cycle garage in the name style of "Chatterjee Cycle Mart" situated at 4, Station Road Belgharia in municipal ward No 21 of your municipality.
- ii) Name of the documents / papers submitted by the person who is presently enjoying license for the said premises/ shop.
- iii) Name and designation of the officer in charge of the department.
- iv) Name and designation of the person / officer who preside over the BOA on 30.12.2021 and person (s) who presided over the BOC on 28.04.2022.
- v) Advise me procedure and fees for obtaining certified copy of board proceedings with minutes/agenda listed for resolution.
- B) SPIO, Kamarhati Municipality sent a reply to the appellant vide memo no. 1727/Gnl dated 28.03.2023.

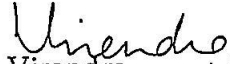
Deliberations and Decision :

4. The SPIO is present virtually.
5. The appellant is present in person. She stated that she did not get the reply vide para 3 (B) above. She was given the copy of the reply available with the Commission under acknowledgement. The appellant reiterated her demand for copy of the documents submitted by her mother to the Municipality for issuing Trade License. It was pointed out to her that this is a personal information and is exempted under S. 8(1) (j) and (e) RTI

Act. After that she added that she filed two RTI applications and she has been replied one of the RTI application vide para 3 (B) above.

6. The Commission observed that after going through the queries in RTI application and reply it is seen that it is a dispute between the mother and the daughter about inheritance after the death of the father of the latter. It is also seen that various queries in two RTI applications are similar and the reply given by the SPIO vide para 3 (B) above and the discussions vide para 5 above provide adequate reply to all her queries in both the RTI applications. After this the appellant stated that the RTI application was filed by her lawyer who is absent today. She requested for another date. But the Commission did not find any reason to fix another hearing as all the relevant points were discussed. She added that she is not maintaining any relation with her mother for last 7/8 years. She reiterated her request for another date and she got emotional. She was reminded that this is a proceeding of quasi-judicial body and she should maintain decorum during the proceedings of the Commission. The Commission observed that she has been adequately replied. The case is closed.

7. The matter is disposed of.


Virendra 21/8/25
State Chief Information Commissioner
West Bengal

No. 3088 - WBIC/RTI/ C/105032/1050/2025
3537 - WBIC/RTI/A/100143/1039/2025

Dated - 22.05.2025
Dated - 11.06.2025

Copy forwarded for information and necessary action to :-

1. Shri Sandip Dutta, Executive Officer & SPIO, Kamarhati Municipality, P.O. - Belghoria, Kolkata , 1, M.M. Feeder Road, Belghoria - 700 056.
2. Shri Gopal Saha, Chairman & 1st Appellate Authority, Kamarhati Municipality, P.O. - Belghoria, Kolkata, 1, M.M. Feeder Road, Belghoria - 700 056.
3. Smt. Suparna Chatterjee, 9, B. N. Ghosal Road, Belghoria, Kolkata - 700 056.



Law Officer & Joint Registrar
West Bengal Information Commission