

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

Memo No. : 76 - WBIC-20011 (13)/75/2024-SEC-WBIC

Date : 16.01.2025

Disposal of all pending second appeals / complaints of Shahid Hossain

Ref. : Notice vide Memo no. : 3916-WBIC-20011 (13)/75/2024-SEC-WBIC Dated 26.11.2024.

Date of Hearing : 08-01-2025.

1. The WBIC issued a notice to Shahid Hossain (hereinafter referred to as the appellant), 14-A, Lower Ranger, Kolkata - 700 017 vide the aforesaid notice. The appellant has submitted 26 second appeals and / or complaints to the Commission and out of these, 9 cases are pending. The purport of the said notice was that the Commission intended to close all pending second appeals and / or complaints submitted by the appellant to the WBIC. The reason for the same was that the appellant has been filing a large number of RTI applications and subsequent appeals / complaints which do not serve any larger public interest and at the same time disproportionately diverting the resources of the public authorities and preventing the public authorities from discharging their duties and common citizens from accessing the RTI mechanism.
2. As scheduled, a hearing was held on 08-01-2025 by the Division Bench of WBIC comprising of Shri Virendra, SCIC and Shri Naveen Prakash, SIC. Md. Shadab Siddique, Ld. Advocate and Smt. Megha Thakur, Ld. Advocate represented on behalf of the appellant.
3. In the notice cited above, the appellant was informed that there are 9 cases out of 26 cases of second appeals and / or complaints filed by him, pending with the Commission. The appellant has also filed a written response Dated 19.12.2024 to the Commission's notice wherein he has asked the Commission to withdraw the said notice of the Commission, without replying to the substantive part of the notice as to whether to close all second appeals and / or complaints cases due to a large number of RTI applications and subsequent second appeals and / or complaints he has been filing before various RTI forums.

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4. During the oral submission, the Ld. Advocate Md. Shadab Siddique representing the appellant informed that the appellant himself is a Ld. Advocate who has filed all the RTI applications which are the subject of the second appeals and / or complaints before the Commission, on behalf of his clients. However, the Commission observed that none of the RTI applications have any due authorisation / Vakalatnama filed along with these RTI applications. In view of this, the Commission finds that in the absence of such authorisation / Vakalatnama, the RTI applications filed by the appellant will be treated as RTI applications filed by the appellant in his individual capacity under Section 6 (1) as a 'Person' filing RTI application for obtaining information under provisions of the RTI Act. The Commission also notes that under such circumstance, information about third parties cannot be furnished to the appellant in view of the exemption provided from furnishing information about third parties under Section 8(1)(e) and 8(1)(j) of the RTI Act 2005. It may be noted that the earlier Section 8 (1) (j) of the RTI Act stands amended by Section 44 (3) of Digital Personal Data Protection (DPDP) Act, 2023.
5. The Ld. Advocate representing the appellant mentioned before the Commission that even though RTI applications under consideration were filed on behalf of the appellant's clients, the appellant being an Advocate, requisite information should have been provided. The Commission informed him that as has been noted earlier, information about third parties is exempted under provisions contained in Section 8 of the RTI Act and therefore, *ab-initio*, RTI applications' under consideration were to be treated as ones seeking third party information and to be dealt with accordingly and therefore, no information about third parties needed to be furnished to the appellant. As an example, RTI application Dated 27.04.2019 (SPIO - Executive Engineer, KMC - Second Appeal No. 4366 (A) of 09.08.2019) was replied to by the SPIO informing that the information sought related to the personal information of third party and could not be furnished to the appellant under Section 8 (1) (j) of the RTI Act, 2005.
6. The Ld. Advocate representing the appellant informed the Commission that while at present he was not aware as to whether any authorisation / Vakalatnama was obtained from the clients on whose behalf the RTI applications under construction were filed, he would re-visit the same. The Commission, however, observed that if at the time of filing such RTI applications, such authorisation was not enclosed with the RTI applications, the same cannot be done retrospectively at this stage. The Commission, therefore,

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decided to close all the nine second appeals and / or complaints pending before the Commission as per the list enclosed herewith and in the meantime, the appellant can present before the Commission any of the RTI application(s) out of these nine pending second appeals and / or complaints, which were duly authorised through Vakalatnama or otherwise by the clients on whose behalf such RTI application(s) were filed at the time of filing such RTI application(s) and the Commission will then look into such cases afresh. As per request of the Ld. Advocate representing the appellant, a time of one month is given for the appellant to file relevant facts in the matter, if any, as outlined hereinabove, before the Commission.

7. Let a copy of this order be sent to Shahid Hossain, all the concerned SPIOs and the Secretary, WBIC.


Naveen Prakash
State Information Commissioner
West Bengal


Virendra
State Chief Information Commissioner
West Bengal
10/11/25

Encl : List of 9 second Appeals / complaints submitted by the appellant and pending for disposal.

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1. Shahid Hossain, 14-A, Lower Ranger, Kolkata - 700 017. (Phone No. 98303 80663, E-mail Id. - shahidbpc@gmail.com)
2. The Secretary, WBIC for necessary action vide para 6 above.
3. The SPIO, Calcutta National Medical College & Hospital, No. 24, Gora Chand Road, Beniapukur, Kolkata - 700 014
4. The SPIO, Home & Hill Affairs Deptt., Nabanna, 325, Sarat Chatterjee Road, Howrah, Pin - 711 102.
5. The SPIO, Kolkata Metropolitan Development Authority, DJ 11, Unnayan Bhavan, Salt Lake City Sector 2, Kolkata - 700091 (Salt Lake City)
6. The SPIO, Kolkata Municipal Corporation (Building Deptt.), 5, S. N. Banerjee Road, Kolkata - 700 013.
7. The SPIO, Office of the Controller, Kolkata Thika Tenancy, Survey Building, 35, Gopal Nagar Road, Kolkata - 700 027.
8. The SPIO, Office of the Controller, Narkeldanga Regional Thika Tenancy Office, 125 B, Hemchandra Naskar Road, Kolkata - 700010
9. The SPIO, Office of the Controller, Tangra Regional Thika Tenancy Office, 15, Gobinda Khatik Road, Kolkata - 700 046

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For 20.1.25
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West Bengal Information Commission

Law Officer & Joint Registrar
West Bengal Information Commission

Applicant Name- Shahid Hossain
Address- 14A, Lower Ranger, Kolkata-700017
Phone- 9830380663, Email Id- shahidbpc@gmail.com
Total Pending Cases- 9, Total Disposal- 17.

SL NO.	WBIC FILE NO.	WBIC APPEAL/ COMPLAINT NO.	WBIC APPEAL/ COMPLAINT Date.	RTI Application Date	Public Authority
1	WBIC/RTI/716/16	3015	09-09-2016		Calcutta National Medical College & Hospital
2	WBIC-20011(99)/1/2024-SEC-WBIC	1054	22-02-2019		Home & Hil Affairs Deptt.
3	WBIC-20011(99)/1/2024-SEC-WBIC	4366	09-08-2019	27-Apr-19	KMC
4	WBIC/RTI/685/14	165	06-02-2014		KMDA
5	WBIC-20011(99)/1/2024-SEC-WBIC	978	14-03-2022	06-Jan-22	Kolkata Municipal Corporation (Building Deptt.)
6	WBIC-20011(99)/1/2024-SEC-WBIC	1573	07-07-2020	27-Jan-20	Kolkata Thika Tenancy
7	WBIC-20011(99)/1/2024-SEC-WBIC	3285	09-09-2022	26-May-22	Kolkata Thika Tenancy
8	WBIC-20011(99)/1/2024-SEC-WBIC	3197	25-10-2021	20-Jul-21	Narkeldanga Regional Thika Tenancy Office
9	WBIC-20011(99)/1/2024-SEC-WBIC	2395	02-12-2020	03-Sep-20	Tangra Regional Thika Tenancy Office

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