

DETAILS OF THE APPLICATION

| Name & Address of the applicant | Date of the Application | Date of Receipt | Date of Partial Reply | Date of Final Reply | REMARKS |
|--|-------------------------|-----------------|-----------------------|---------------------|---------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| Shri Subhash Dutta, H. No. 8, Bye Lane No. 2, Ananda Nagar, Pandu, P.O : Guwahati, PIN – 781 012 [+919435198884]. | 23/12/2014 | 23/12/2014 | | 04/02/2015 | |

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ANNEXURE-A

| | |
|---|---|
| To, Central Public Information Officer, Airports Authority of India (NER) L. G. B. I. Airport, PO: Guwahati - 781015 | From: Subhash Dutta Anand Nagar, Bye Lane No: 2 Pandu Port Road, PO: Guwahati - 781012 Call@ 94351 98884 |
| ✓ Our Ref: No: SD/RTI/1001 | ✓ Dated: 23/12/2014 |

Application U/S 6(1) Of Right to Information Act, 2005

Gentleman,

Under the provisions of The Right to Information Act, 2005, we enclose herewith an Indian Postal order for Rs. 10/- (Rs. Ten only) Bearing No. 11F 879630 with a request to kindly furnish the following Records & Information as per section 2(f). I am leaving the payee blank. Kindly fill up the appropriate name of payee.

You had made an application No: RHL/CB/CIVIL-SD/1060 on 08/02/2005 seeking a NOC from my Bank, so that payment, if any, may be released in my name by AAI, Without any further delay. You have dismissed my Power of Attorney. (Copy of application is attached for your ready reference).

+Please provide me the following information with respect to the same:

1. Please provide me full Information that what is the legal ground for seeking NOC without approval competent authority?
2. Please provide me the File Noting, Note Sheet, Inspection Reports, Action taken Report for seeking NOC with approval competent authority? As you refused to release the payment to bank with approval competent authority i.e. RED, AAI, NER.
3. What is the present status of my due payment against AMC work at Cooch Behair Airport?
4. By when would my payment be dealt with fully?
5. The norms, if any, prescribed for the department to deal with these types of payment.

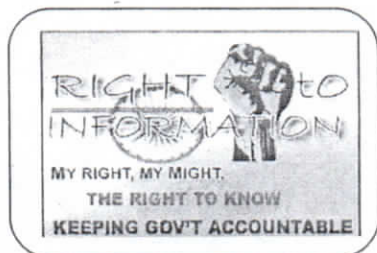
1. There is a provision of penalty u/s. 20 (1) & (2)
2. Sec. 7 (9) " An information shall ordinarily be provided in the form in which it is sought
3. As per sec. 7(3) (a) calculation of further fee should also be given to the applicant.
4. The information as sought does not come under section 8 of RTI ACT, 2005 and further as per section 8(j) "that the information which cannot be denied to The Parliament or a State Legislature shall not be denied to any person."
5. In case the information as asked for is held by another Public authority my application be transferred as per sec. 6(3) as well as please let me know the name and address of First Appellate Authority
6. Section 5 (3) Every CPIO or SPIO, as the case may be, shall deal with requests from persons seeking information and render reasonable assistance to the persons seeking such information.

Yours,
Citizen of India

(Subhash Dutta)

23/12/14

Counselor and Member of TRAP Group of RTI Activist
(Kashi Prasad Jajodia)



Enclosed: F.No.10/1/2013-IR New, Delhi, the 11th November 2014, to Invoke search on google

mb(16)
23/12/14
Please put up by 24.12.14
23/12/14
SS (Steno)



भारतीय विमानपत्तन प्राधिकरण
AIRPORTS AUTHORITY OF INDIA

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संदर्भ संख्या :
Ref. No. : AAI/NER/PIO/S.Dutta/RTI-13(16)/II/

15306

दिनांक :
Date : 04/02/2015.

To
Shri Subhash Dutta,
Anand Nagar,
Bye Lane No. 2,
Pandu Port Road,
P.O : Guwahati,
PIN - 781 012,
Assam.

SUB : - Reply under the RTI Act, 2005.

Dear Sir,

Reference may please be made to your **RTI Application dated 23/12/2014**, with request to provide information as per the RTI Application.

In this regard, information as desired by you are furnished below : -

| SL. No. | Information sought by the Applicant. | Information provided by PIO, Lilabari & CPIO, NER, RHQ. |
|---------|---|---|
| 1. | Please provide me full Information that what is the legal ground for seeking NOC without approval competent authority ? | Regarding the NOC letter dated 08/02/2005 is enclosed herewith for ready reference. The grounds for seeking NOC in the said letter are self explanatory. However, the letter dated 08/02/2005 is silent regarding, with approval and without approval. |
| 2. | Please provide me the File Noting, Note Sheet, Inspection Reports, Action taken Report for seeking NOC with approval competent authority ? As you refused to release the payment to bank with approval competent authority i.e., RED, AAI, NER. | No such File noting, Note sheet, Inspection Reports, Action taken report for seeking NOC with approval of the Competent Authority are available with this office. |
| 3. | What is the present status of my due payment against AMC Work at Cooch Behar Airport ? | In this regard, reference is made to the Meeting held on 17/11/2014 and on 27/12/2014 between Shri Subhash Dutta, Industrial Co-operative Bank Ltd., and AAI representatives to resolve the payment issue. The minutes of the meeting as signed by all the three parties is enclosed herewith as Annexure - I which is self explanatory. |
| 4. | By when would my payment be dealt with fully ? | The reply to this query is .decisive in nature and is not available in any form of information within the scope of RTI Act. |

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| SL. No. | Information sought by the Applicant. | Information provided by PIO, Lilabari & CPIO, NER, RHQ. |
|---------|---|--|
| 5. | The norms, if any, prescribed for the department to deal with these types of payment. | As per records available with this office, no such norms are prescribed to deal with these types of payment. |

Thanking you,

Yours' Sincerely,

Encl. : As above.


04.02.15
(P. K. GORAI)
Asstt. General Manager (Vig)/APIO.

17-11-2014

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Sub: Release of payment for 3rd and final bill and security deposit for the AMC Contract (Civil) at Cooch Behar Airport, Agency - Shri Subhash Dutta

Minutes of meeting

1) Regarding the disputed amount:-

Shri Subhash Dutta told that he had not submitted any letter to the Bakijai Court however he told that whatever amount was decided and agreed by the contractor and AAI at the time of signing of MB shall be final.

The Measurement Book has been shown to the Shri Subhash Dutta and the details thereof has been explained. The amount reached i.e Rs.2,83,993.00 is as per MB. Shri Subhash Dutta was satisfied with the amount so arrived i.e. Rs. 2,83,993.00. So now there is no confusion about the amount payable to the recipient.

2) Regarding the direction to avail the Civil remedy:-

Regarding this Shri Subhash Dutta submitted that he will reply to above after discussing the matter with his Advocate on the next date of meeting.

3) Submission regarding power of attorney

a) By The Industrial Co-operative Bank Ltd.

It is submitted by the Industrial Co-operative Bank Ltd. that the Power of Attorney should be honoured by AAI in his favour. It is further submitted that on 18-03-2010 Shri Subhash Dutta by letter addressed to the General Manager(Engg.) conveyed his no objection if the payment is released in favour of the Industrial Co-operative Bank Ltd which was also informed to Register, Co-operative Societies vide letter dtd. 19-03-2010.

b) By Shri Subhash Dutta

It is submitted by Shri Subhash Dutta that AAI should honour letter no.AAI/NER/COB/MO-03/6298-99 dtd. 15-07-2004 issued by Manager (Law). However regarding power of attorney Shri Subhash Dutta submitted that it has been executed between Shri Subhash Dutta and The Industrial Co-operative Bank Ltd.

Subhash Dutta
17/11/14

By
17/11/14

17.11.14

17.11.2014

r/c.

Regarding the NOC letter dated 18-03-2010 by Shri Subhash Dutta, he told that the reason for writing such letter will be conveyed in next meeting.

c) By AAI

There is a dispute regarding the acceptance of power of attorney. The power of attorney and relevant document examined. It has been noticed that there is insertion "which has been accepted by the department" in letter no.AAI/NER/S.M.(C)/GT/98-99 dtd. 26-08-1998 which require further examination along with relevant documents. At this point of time Shri Subhash Dutta submitted that if available he will bring his copy of the letter dated 26-08-1998.

The next meeting will be held on 27-11-2014, 11 AM at AAI, RHQ, NER, Guwahati.

Shri N.K. Choudhary, AGM(E-C), AAI *N.K. Choudhary* 17-11-14

Shri C.N. Hazoary, AGM(Fin), AAI *C.N. Hazoary* 17-11-14

Shri Sachin Yadav, AM(Law), AAI *Sachin Yadav* 17-11-2014

Shri Subhash Dutta, Contractor *Subhash Dutta* 17/11/14

Shri Dinesh Chandra Deka, Manager (Development) *Dinesh Chandra Deka*

Industrial Co-operative Bank Ltd. *[Signature]* 17/11/14

Shri Ashim Sarkar, JO-II

Industrial Co-operative Bank Ltd. *[Signature]*

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भारतीय विमानपत्तन प्राधिकरण AIRPORTS AUTHORITY OF INDIA

संदर्भ संख्या : AAI/NER/Engg-(C)/ Cooch Behar/ 14-15/ 12603-09
Ref. No. :

दिनांक :05:12:2014
Date. :

To,

1. Shri Subhash Dutta, Contractor,
Ananda Nagar, Bye lane No 2,
P.O.- Pandu Guwahati-781012
District Kamrup (Metro) Assam
2. The Managing Director
Industrial Co-operative Bank Ltd.,
S S Road Lakhtokia Guwahati 781001


Sub: Release of payment for 3rd and final bill and security deposit for the AMC Contract (Civil) at Cooch Behar Airport, Agency - Shri Subhash Dutta

Sir,

Enclose herewith please find the minutes of second meeting held on 27-11-2014 at AAI, Regional Head Quarter, Guwahati regarding above subject matter.

Thanking You

Encloser : As above


05-12-14
N.K. Choudhary
AGM (E-C),
RHQ,NER, AAI

Internal Distribution :-

1. RED, NER for information please
2. GM, Engg-I , NER for information please
3. JGM (E-C), NER for information please
4. Shri C.N. Hazoary, AGM(Fin),NER
5. Shri Sachin Yadav, AM(Law), NER

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Sub: Release of payment for 3rd and final bill and security deposit for the AMC Contract (Civil) at Cooch Behar Airport, Agency - Shri Subhash Dutta

Second Meeting held on 27-11-2014 at AAI, Regional Head Quarter, Guwahati

Following persons have attended the meeting

Shri N.K. Choudhary, AGM(E-C), Shri C.N. Hazoary, AGM(Fin), Shri Sachin Yadav, AM(Law), Shri Subhash Dutta, Contractor, Shri Dinesh Chandra Deka, Manager (Development) Industrial Co-operative Bank Ltd.

Minutes of meeting :-

1) Regarding the disputed amount:-

It is clarified by Representative of AAI that the amount written i.e. Rs.2,83,993.00 may be read as 2,82,993.00. As it was inadvertently written as 2,83,993.00 due to typing error in the minutes of First meeting held on 17.11.2014 .

All persons present in the meeting accepted it.

2) Regarding the direction to avail the Civil remedy:-

Regarding this Shri Subhash Dutta submitted a letter, copy of which is given to all the members. He submitted that Quote "the matter is under Hon'ble Bakijai Court. Bakijai, itself being a court offering civil remedies, there is no reason to take the case to some other authority, till such time, the final verdict is pronounced by the Hon'ble Bakijai Court" Unquote.

3) Submission regarding power of attorney & NOC letter dated 18.03.2010

1. By Shri Subhash Dutta & AAI

Shri Subhash Dutta explained the things vide his letter dated 27.11.2014 wherein it has been mentioned that on the advice of Legal officer of AAI, he had written a letter dated 18.03.2010 to GM Engg AAI to release the payment in favor of Industrial Co-operative Bank. Further in the same letter it was stated that As AAI did not release the amount on the basis of letter dated 18.03.2010 hence now AAI has no claim on that letter.

At the same point of time Shri Sachin Yadav, Asst. Manager (Law) told that, since there is no written document/letter is submitted by the contractor in support of the averment made in the first paragraph of page no 2 of letter dated 27.11.2014 alleging AAI, so verbal contents not duly supported by documents will not be acceptable to AAI.

Further it was also submitted by AAI that the order passed by the Bakijai Court dated 16.03.2010 was never brought into the knowledge of AAI, either by the contractor or by the Industrial Co-operative bank. So material notices in which there is a direction from Bakijai court for the amount lying with AAI was not came to the knowledge of AAI at the relevant point of time.

The parties to the meeting agreed only this fact that, the matter is pending before Bakijai Court. From the discussions made on the two meetings there seems no possibility to settle the matter amicably among the parties i.e. AAI, Shri Subhas Dutta and Industrial Co-operative Bank Ltd. Guwahati.

The meeting ended with thanks to all the members present in the meeting.

N.K. Choudhary
AGM (E-C),
RHQ,NER, AAI

Copy to:-

1. Shri C.N. Hazoary, AGM(Fin), AAI
2. Shri Sachin Yadav, AM(Law), AAI
3. Shri Subhash Dutta, Contractor, Ananda Nagar, Bye lane No 2, P.O.- Pandu Guwahati-781012 District Kamrup (Metro) Assam
4. Managing Director Industrial Co-operative Bank Ltd.,
Kind Attention Shri Dinesh Chandra Deka, Manager (Development), S S Road Lakhtokia Guwahati 781001