

**I.K.G. SAMANTHA .VS. NATIONAL WATER SUPPLY AND  
DRAINAGE BOARD**

RTIC Appeal (In Person) 1646/2019 (Order adopted as part of a formal meeting of the Commission on 27.01.2020)

Order under Section 32(1) of the Right to Information Act, No. 12 of 2016 and Record of the Proceedings under Rule 28 of the Righter to Information Rules of 2017 (fees and Appeal Procedure)

**Chairperson:** Mr. Mahinda Gammampila

**Commission Members:** Mr. S.G. Punchihewa

Dr. Selvy Thiruchandran

**Director- General:** Mr. D.G.M.V Hapuarachchi

**Appellant:** I.K.G samantha Pushpakumara

**Notice issued to:** Designated Officer, National Water Supply and Drainage Board

Appearance/ Represented by:

**Appellant:** -

**Public Authority:** K.D.P.F Siriwardene- Information Officer

J.A Karunasena- Statistics Assistant

<b>RTI Request filed on:</b>	29.10.2018
<b>IO responded on:</b>	No response

<b>First appeal to DO filed on:</b>	21.01.2019
<b>DO responded on:</b>	25.01.2019
<b>Appeal to the RTIC appealed on:</b>	10.06.2019

**Factual matrix in relation to the appeal;**

The appellant vide RTI request has stated the following and raised the issues therein;

The appellant is the owner of the house situated at No. 174, Palugasdamana, Polonaruwa. In 2009 I.K.G. Kumarasinghe has obtained a water supply without the consent of the appellant's father. The appellant and his father has informed the police of the said supply of water to the said party. The police had informed the appellant that the above party had obtained the recommendation from the GramaNiladari.

In the afore circumstances the appellant wishes to know on what basis water supply connection was provided to house No. 192,2 Ala, PalugasdamanaPolonaruwa and the certified copy of the application submitted to get the water supply.

It is evinced from the appeal to the Commission by the appellant that the IO and DO have not acted as per terms of the RTI Act and thereby had failed to response to the requested information. Hence the appellant preferred an appeal to the Commission.

Sequel to the receipt of the said appeal the Commission noticed both parties to appear before the Commission on 27.01.2020, for the hearing of the appeal.

**Matters arising during the hearing of the appeal;**

On the above date of the hearing only the Public Authority was present. The appellant was absent and unrepresented. At the outset the public authority

appraised the Commission of the fact that the appellant has sought information of a third party, and the said party had declined for the disclosure of the information via letter dated 12.03.2019. (as per Section 29 of the RTI Act.). In addition the PA confirmed the fact, when providing water supply only the identity and the occupation of the applicant of the relevant residence will be considered and not the title to the residence.

**Order:**

As the information sought is subject to Section 29 of the RTI Act and the third party has refused to share the requested information with the appellant, the Commission moved to conclude the appeal.

Thus the appeal stands disposed accordingly.

Order is directed to be conveyed to both parties in terms of Rule 27(3) of the Commission's Rules on Fees and Appeal Procedures (Gazette No. 2004/66, 03.02.2017)