



**ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR**

BEFORE THE HON'BLE COURT OF SHRI GUMJUM HAIDER, STATE INFORMATION COMMISSIONER

No. APIC-85/2023

Dated, Itanagar the 29th January, 2024.

Under Section 19(3) RTI Act, 2005

Appellant

Shri Riya Taram & Shri Takam Sakap
C/O Moina Shop, Near Futsal Ground
Lekhi, Naharlagun, AP

-V/S-

Respondent

PIO-cum-EE
PHE & WS Daporijo Division
Upper Subansiri District, AP

JUDGEMENT ORDER

This is an appeal under section 19(3) of RTI Act, 2005 was received from **Shri Riya Taram & Shri Takam Sakap, C/O Moina Shop, Near Futsal Ground Lekhi, Naharlagun, Arunachal Pradesh**, for non-furnishing of information, by the **PIO-cum-EE, PHE & WS Daporijo Division, Upper Subansiri District, Govt. of Arunachal Pradesh**, as sought for by the appellant under section 6(1) of RTI Act, 2005.

Brief fact of the case being that the appellant on 15.11.2022 filed an RTI application under 'Form-A' before the PIO, whereby, seeking various information regarding:

"To furnish all the relevant documents against

A. Maintenance (revenue sector) HA-2215 WS and Sanitation Minor Works

1. Maintenance of Water Supply Schemes under Daporijo Division
2. Maintenance of Water Supply Schemes under Daporijo Division (SADA) Non-Plan

B. 2215- WS & Sanitation OC

1. Maintenance of Water Supply Schemes under Daporijo Division
2. Maintenance of Water Supply Schemes under Daporijo Division (NRDWSP)
3. Maintenance of Water Supply Schemes under Daporijo Division (non-plan) SPA/ACA & SIDF etc.,

C. Maintenance of Water Supply Schemes under Daporijo Division against Natural Calamities for the year 2010 to 2016 "

The above subject has been mentioned in detail under 'Form – A'.

The 1st hearing for the case was held on the 01st day of March'2023. The appellant was present. The representative of the PIO, Er. Khyoda Sanjay (JE, PHE&WS) was also present. After hearing both the parties, the representative of the PIO had informed the Court that he would submit the information as sought by the appellant as per his form-A on or before the next date of hearing of this case fixed on the 26th day of April'2023.

The 2nd hearing of this case was held on the 26th day of April'2023. The appellant was present. The representative of the PIO, Er. Khyoda Sanjay (JE, PHE&WS) was also present. After hearing both the parties, the representative of the PIO had informed the Court that the information as sought by the appellant was voluminous. Therefore, he pleaded for more time for furnishing the documents. As such, the Court fixed the next date of hearing of this case on 07th day of June'2023.

The 3rd hearing of this case was held on the 07th day of June'2023. The appellant was present but the PIO was absent. The Court/Commission seriously viewed the absence of the PIO without any intimation and diligently not performing his statutory duty and issued a Show Cause Notice for his personal appearance in the Court on the next date of hearing of this case fixed on the 28th day of June'2023.

The 4th hearing of this case was held on the 28th day of June'2023. The appellant was present. The representative of the PIO, Er. Khyoda Sanjay (JE, PHE&WS) was also present. After hearing both the parties, the representative of the PIO had again sought some more time to furnish the information on which the Commission viewed seriously of the repeated excuses from the PIO-cum-EE, PHE&WS Daporijo Division, Upper Subansiri District which established prima-facie evidence of violation of Sub-Section 01 of the Section 07 of the RTI Act,2005 by the PIO, in spite of repeated directions given by the Commission to the PIO in every hearing for furnishing information to the appellant but the PIO had failed to furnish the same in the 4th hearing. Therefore, a penalty amounting to Rs. 25,000/- was imposed upon against the PIO. Also, the PIO was also directed to furnish the information as sought by the appellant on or before the next date of hearing of this case fixed on the 26th day of July'2023.

The 5th hearing of this case was held on the 26th day of July'2023. Both the parties were present. After hearing both the parties, information sought by the appellant was furnished by the PIO during the Court proceedings itself. The appellant is directed to go through the same and inform his satisfaction/dissatisfaction on or before the next date of hearing of this case fixed on the 23rd day of August'2023.

The 6th hearing of this case was held on the 23rd day of August'2023. The appellant was present. The representative of the PIO, Er. Khyoda Sanjay (JE, PHE&WS) was also present. After hearing both the parties, the appellant informed the Court that the information provided by the PIO in its previous hearing was incomplete/unsatisfactory. The representative of the PIO had been directed by the Court to sworn in affidavit of Non-Traceable/Non-Available on or before the next date of hearing of this case held on 13th day of September'2023.

The 7th hearing of this case was held on the 13th day of September'2023. The appellant was present. The representative of the PIO, Er. Hillang Raj (JE, PHE&WS) was also present. After hearing both the parties, the appellant was directed by the Court to provide the lists of left-out/additional information/documents to the PIO. the same should be provided by the PIO on or before the next date of hearing of this case fixed on the 18th October'2023.

The 8th hearing of this case held on the 18th day of October'2023. The appellant was present. The representative of the PIO, Er. Khyoda Sanjay (JE, PHE&WS) was also present. After hearing both the parties, the representative of the PIO had submitted a sworn in affidavit during the hearing of this case. Hence the case is disposed of.

Considering all the above aspects into account, I find this appeal fit to be disposed of as infructuous. And, accordingly, this appeal stands disposed of and closed for once and for all. Each copy of this order disposing the appeal is furnished to the parties.

Given under my hand and seal of this Commission's Court on this 29th January, 2024.


Sd/-
(GUMJUM HAIDER)
State Information Commissioner,
APIC, Itanagar.

Memo.No.APIC- 85/2023/1268

Dated, Itanagar, the 30th January '2024

Copy to: -

1. The PIO-cum-EE, PHE & WS Daporijo Division, Upper Subansiri District, PIN – 791122, Govt. of Arunachal Pradesh, for information & necessary action please.
2. Shri Riya Taram & Takam Sakap, C/o Moina Shop, Near Futsal Ground Lekhi, Naharlagun, PIN-791110, Arunachal Pradesh, contact – 9402443699/9383103387, for information & necessary action please.
3. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
4. Office copy.


Registrar/Dy. Registrar,
APIC, Itanagar.

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar.