



सूचना का
अधिकार
RIGHT TO
INFORMATION

ARUNACHAL PRADESH INFORMATION COMMISSION (APIC)
ITANAGAR

(Before the Hon'ble Information Commissioner Mr. Genom Tekseng)

AN APPEAL UNDER SECTION 19 (3) OF RTI ACT, 2005.

APIC-No.238/2021(Appeal)

Sh. Mamu Sono, Middle Sood Village
Naharlagun, Papumpare District,
Arunachal Pradesh. (M) 9436215521,
Pin: 791110.

Appellant

-Versus-

The PIO-Cum-Joint Director, RD
Department, Itanagar, Papumpare
District Arunachal Pradesh.
Pin: 791111.

Respondent

Date of hearing: 22.12.2023.

Date of decision: 22.12.2023.

FACTS OF THE CASE:

The appellant filed an RTI application dated **07.07.2021** seeking information about **M/S A.P Enterprise and M/S Khamdir Engineering**. The PIO did not provide reply in response to the RTI application. The appellant then filed a First Appeal dated **09.08.2021** before the First Appellate Authority-cum-Director, RD. The First Appellate Authority's (FAA) order, if any, is not available on record. Feeling aggrieved the appellant approached this commission through this Second Appeal.

FACTS EMERGING DURING THE HEARING:

This case was transferred to this commission by the SCIC vide order dated 25.05.2023 from the bench of Shri Goto Ete, SIC.

This case was first listed for hearing on **20.01.2023** before the bench of Shri Goto Ete, SIC. The appellant appeared in person on 20.01.2023 and submitted that the PIO did not furnish information to him. The PIO was represented by Shri O. Darang, APIO. Shri O. Darang, appearing for the PIO, also admitted that no information had been furnished to the appellant. The commission after hearing the parties present, observed that the denial of information in the initial reply of the PIO dated 19.07.2021 was grossly inappropriate as no justification was give for denying the information. The commission also took of the facts that the PIO had neither supplied the information under section 6 (1) of the Act nor appeared before it on the date of hearing fixed by the commission. The commission, therefore, came to a conclusion that it was a fit case for proceeding against the PIO under section 20 (1) of the RTI Act for lavy of penalties prescribed therein and directed for initiation of action accordingly, Show Cause Notice was issued to PIO-Cum-Joint Director, RD on **20.01.2021**. The PIO was directed to appear before the commission with his reply on 24.02.2021. The PIO appeared on **24.02.2021** and submitted that he could not furnish the information to the appellant

as the sought information is under the custody of the Joint Director (RD)-Cum-Branch Officer and the Branch officer had refused to provide the sought information to him for further furnishing it to the appellant. The commission after hearing the submissions of the PIO adjourned the case to 02.06.2022 which was again adjourned due to absence of the appellant and other relevant parties.

The case was again heard on **02.06.2022, 11.08.2022, 15.09.2022, 20.10.2022, 16.03.2023, 30.03.2023 and 27.04.2023**. During the last hearing on **27.04.2023**, the PIO submitted that all the original files and information were submitted to **SIC (vig)** on **03.11.2023** and hence the sought information cannot be furnished. The commission adjourned the case to **11.05.2023** with direction to the PIO to collect the required information from the SIC (vig) and furnish it to the appellant. Hearing of the case could not be conducted on 11.05.2022 due to unavoidable circumstances and case was re-scheduled and fixed for hearing on **22.12.2023**.

The instant case is being heard today. The PIO appears before the commission and submits that all the information (in original) sought by the appellant had been handed over to the SIC (vig) as per their requisition letter dated **26.10.2020** and the same has not been received back from the SIC (vig). He has, therefore, expressed its inability to furnish the sought information to the appellant and requested the commission to dispose of the matter on the above said ground. The appellant, who is also present during the hearing, has not contested the submissions of the PIO. The appellant has also not raised any objection.

DECISION

Keeping in view the facts and circumstances of the case and the submission made by the PIO during the hearing, the commission observes that no malafide is established on the part of the Ex-PIO as well as the present PIO and no case is made out for taking further action against the PIO. It is further observed that non-furnishing of information which is not under the control of the PIO, does not invite penal provisions under the RTI Act. The commission accepts the explanation of the PIO. The matter is, accordingly **disposed of**.

Copy of this order be supplied to the parties.

Sd/-

(Genom Tekseng)

Information Commissioner

Dated Itanagar the 7.2 Jan' 2024.

Memo No.APIC-238/2021/1224

Copy to:

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9/12/24

Registrar / Dy. Registrar

APIC, Itanagar

Arunachal Pradesh Information Commission
Itanagar