



**ARUNACHAL PRADESH STATE INFORMATION COMMISSION
ITANAGAR**

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

An Appeal Under Section 19 (3) of RTI Act, 2005.

APIC-No.474/2022(Appeal)

Sh. Bamang Tagung, Press Colony,
Pappu Nallah, PO/PS: Naharlagun,
P/Pare District, Arunachal Pradesh.
(M) 9402060609/8258809002. **Pin:
791110.**

Appellant

-Versus-

Respondent

The EE-Cum-PIO, PHE & WS Division
Tawang, Arunachal Pradesh.
Pin: 790104.

Date of hearing: 12-01-2024.

Date of decision: 12-01-2024.

FACTS OF THE CASE:

Brief facts of the case is that the appellant filed an RTI application dated 20.04.2022 seeking information regarding transfer of Rs 300.00 lakhs under NDRF through PFMS-EA-I model to saving A/C no. 265001002240 in ICICI Bank, Itanagar. The PIO and EE, Tawang did not provide reply to the RTI application. Aggrieved appellant filed the first Appeal on **21.05.2022**. The First Appellate Authority's (FAA) order, if any is not available on record. Having received no relief from the FAA, the appellant approached the commission with the instant second appeal.

FACTS EMERGING DURING THE HEARING:

After receipt of the Second Appeal notices were issued to the parties to appear on 21.10.2022. The appellant's representative Shri Gida Tapang appeared on 21.10.2022 and submitted that the PIO provided incomplete information in response the RTI application. The PIO remained absent despite service of hearing notice well in advance. No written submission was also received from the PIO explaining the cause of his absence during the hearing. The commission after hearing the submission of the appellant's representative and perusal of case record directed the PIO to provide the requested information to the appellant within 20 days and appear on 20-01-2023. Due to absence of the PIO case was adjourned to 31.03.2023.

The appellant appeared on 31-03-2023 and submitted that in inspite of the orders of the commission, complete information had not been provided to him. The PIO was again absent during the hearing despite having knowledge and information about the same. The commission took grave exceptions to the repeated absence of the PIO for the hearing without intimating reasons thereof, despite duly served order/summons on 20-01-2023. The commission also cautioned the PIO for his dereliction of the duties and responsibilities in contravention of the provisions of the RTI Act and that any future violation of the Act would result in penal action against him. With the above

observations, PIO was directed to comply with the directions of commission and adjourned the case to 02-06-2023.

Both the PIO and appellant did not appear on 02.06.2023. However, PIO was represented by Shri Biki Tapa, JE. Shri Biki Tapa did not make any submission on behalf of the PIO. Shri Gida Tapang appeared on behalf of the appellant and submitted that sought information had not been provided to him in inspite of repeated commission's orders for compliance. The commission adjourned the hearing to 18.08.2023 with directions to the PIO to furnish the information sought in point no. (b) and (d) of the RTI application.

The PIO was again absent during the hearing on 18.08.2023. However, he was represented by Shri Toko Tai, JE. Shri Toko Tai appeared with the information sought vide point no. (d) of the application and the same was handed over to the appellant's representative Shri Tadar Tai who was present during the hearing. PIO's representative Shri Toko Tani had also agreed to furnish the information sought in point no. (b) of the RTI application.

The commission took note of the fact that the PIO had neither supplied complete information to the appellant under section 6 (1) of the Act nor sent any written submissions to the commission explaining the cause of his absence during the hearing nor appeared before it on the dates fixed for hearing by the commission. The commission 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 had directed for initiation of action accordingly. Show Cause Notice was issued to Sri **Gepiam Mize**, PIO and EE, PHE, Tawang on 18-08-2023. The PIO was directed to appear before the commission with his reply on 20-10-2023.

Instant matter was listed on 20.10.2023 for Show Cause Notice hearing. The PIO was again absent despite having full knowledge and information about the same. However, the PIO was represented by Shri Duge Kamduk, AE. Shri Duge Kamduk appeared with information and requested for permission of the commission to hand over it to the appellant which was allowed But the appellant, who was also present during the hearing, refused to receive the information stating that the information is incomplete. PIO's representative had further submitted that works in question were executed through award of work order, hence no NIT, was called for execution of the works. The PIO had neither sent his reply to Show Cause Notice as sought by the commission in its order dated 18.08.2023 nor requested the commission for rescheduling of the date of hearing. The commission after hearing the parties present and perusal of the case record noted that the conduct of the PIO not only showed his negligent attitude in handling the RTI application but also reflected disrespect towards the RTI Act itself. For gross violation of provision of the RTI Act and non compliance of the commission directions a penalty of Rs 25000/-was imposed on the PIO. The PIO was also directed to furnish complete information as sought in the RTI application. With the above directions Hearing was adjourned to 12.01.2024.

DECISION:

The appellant appears before the commission. PIO is absent during the hearing. The appellant has submitted that the PIO has furnished complete information and he is satisfied with the information provided. He has also stated that the PIO has deposited the penalty of Rs 25000/- in SBI Bank, Tawang vide challan no.7625 dated 15.12.2023 copy of which has been placed before the commission. The commission has also received a letter dated 22.12.2023 from the appellant wherein he has expressed

satisfaction with the information provided and requested the commission to dispose of the case. Keeping in view facts of the case and written submissions placed before the commission and submission made by the appellant during the hearing the commission is of the opinion that the complete information, though late, has been provided to the appellant. The PIO has also deposited Rs 25000/- vide challan no.7625 dated 15.12,2023 in compliance of the commission's order dated 20.10.2023. Hence action initiated against the PIO is dropped and the instant appeal is **disposed and closed**.

Copy of this order be supplied to the parties.

Sd/-

(Genom Tekseng)

Information Commissioner

Memo No.APIC-474/2022/1248

Dated Itanagar the 22 January' 2024.

Copy to:

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Registrar/Dy.Registrar,
APIC, Itanagar
Arunachal Pradesh Information Commission
Itanagar