



ITANAGAR, ARUNACHAL PRADESH

An appeal case U/S 19(3) of RTI Act, 2005

Vide Case No.APIC-06/C/2025

**BEFORE THE HON'BLE COURT OF SHRI VIJAY TARAM, THE STATE
INFORMATION COMMISSIONER, UNDER SECTION 19(3) OF RTI ACT, 2005.**

Shri Bagemso Mitti

..... Appellant

-VERSUS-

PIO-Cum-Divisional Forest Officer,
Tezu, Lohit District,
Govt. of Arunachal Pradesh

..... Respondent.

Order: 25.09.2025.

JUDGEMENT

This is an appeal filed under sub-section (3) of Section 19 of the RTI 2005. Brief fact of the case is that the Appellant Shri Bagemso Mitti on **18/11/2025** filed an RTI application in Form- 'A' before the PIO-cum-Divisional Forest Officer (DFO), Tezu, Lohit District, Govt. of Arunachal Pradesh. Whereby seeking various information as quoted in Form 'A' application. The Appellant being not receiving the information from the PIO filed the First Appeal before the First Appellate Authority (FAA) on **16/12/2025**. The Appellant again having not received the required information even after order from the FAA to the PIO to provide the information(s), the Appellant filed the Second Appeal before the Arunachal Pradesh Information Commission on **28/04/2025** and the Registry of the Commission (APIC) having receipt of the Appeal registered it as APIC-No. **06/C/2025** (Appeal) and processed the same for its hearing and disposal.

Accordingly, matter came up for hearing before the Commission on **25.09.2025** wherein the Appellant is present through online mode during the hearing before the Commission.

The PIO-cum-DFO, Tezu, Lohit District, Govt. of Arunachal Pradesh found absent during the hearing without intimating to the Commission, the reason for his inability to attend the hearing, which is unbecoming on the part of the PIO, who has to be reminded that, the PIO also has a mandatory duty to attend to statutory duties besides public duties, when an appeal is preferred against him/her.

Background:

This appeal arises from the same RTI Application/Form-A filed by the appellant concerning the same cause of action—specifically, the failure of the Public Information Officer (PIO)-cum- the Divisional Forest Officer to provide requested information under the Right to Information Act, 2005. The appellant initially filed an appeal with the First Appellate Authority (FAA), which resulted in a judgment confirming the PIO's non-compliance with the information request and therefore to provide the information(s) to the Appellant. But, the PIO failed to provide the information(s). Following this, the appellant filed a second appeal to the Arunachal Pradesh Information Commission (APIC) citing the same FAA judgment.

The observation of the Commission;

Upon careful consideration of the documents presented, including the FAA judgment and the appellant's submissions, it is apparent that the appellant has filed two distinct appeals based on the identical cause of action and the same FAA judgment. This raises a significant legal issue regarding the duplication of appeals arising from the same facts, same cause of action.

Under the principles of the prohibition against double jeopardy, no party should face two trials for the same cause of action. It is established under the law that once a matter has been adjudicated upon, the same parties may not relitigate the same cause in separate proceedings. The appellant's reliance on the same FAA judgment for two different appeals is not permissible and is in direct contravention of procedural law.

In light of these considerations, the Commission finds the following:

1. The appellant has used the same FAA judgment to file two Appeals, which the Registry of the Commission registered it as APIC-No-06/C/2025 and APIC-No-321/A/2025. But two appeals, for the same cause of action constitute an abuse of the legal process.
2. The principles of judicial economy demand that the same matter should be conclusively resolved in a single proceeding rather than subjected to repetitive scrutiny.
3. Based on proper verification of the facts and circumstances, it is evident that the appeals are identical in nature and merit dismissal.

Conclusion:

Accordingly, for the reasons stated above, Appeal No. 06/C/2025 is hereby dismissed forthwith and the hearing for APIC-No-321/A/2025 will continue. The appellant is advised to refrain from filing further duplicate appeals based on the same FAA judgment and cause of action.

Order:

This judgment shall be communicated to the parties concerned.

Sd/-

(Vijay Taram)

State Information Commissioner
APIC-Itanagar

Memo.No.APIC-06/A/2025 */aib*

Dated Itanagar, the *4* October, 2025.

Copy to:

1. PIO-Cum-DFO, Tezu, Lohit District, Govt of Arunachal Pradesh for information and necessary action please. **Pin Code-792001.**
2. Shri Bagemso Mitti, New Hatiduba Village, PO/PS-Sonpura, Lohit, P/Pare District Arunachal Pradesh for information please. **Contact No.8837021474**
- ✓ 3. The Computer Programmer, APIC for uploading on the Website of APIC please.
4. Office Copy

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