



ARUNACHAL PRADESH INFORMATION COMMISSION (APIC)  
ITANAGAR

.....  
(Before the Hon'ble Information Commissioner Mr. Dani Gamboo)

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

APIC-No.926/2023(Appeal)

Shri Tai Abu & Party  
Gangte Line Sangram  
PO/PS Sangram Kurung Kumey  
District A.P Pin: 791118.  
(M) 7628031388.

Appellant

Versus

1. Shri Zomba Nacho  
PIO cum EE Commercial CEI  
Deptt. of Power, Itanagar Papumpare  
District Govt. of A.P. Pin: 791111.

Respondents

2. The FAA cum CE  
Commercial CEI Department  
of Power Itanagar Papumpare  
District A.P. 791111

Date 29.07.2024

JUDGEMENT / ORDER

This is an appeal filed under sub-section (3) of the Section 19 of the RTI Act, 2005. Brief fact of the case is that the appellant Shri Tai Abu & Party on 22.06.2023 filed an RTI application in Form-A to the PIO cum EE Commercial CEI Deptt. of Power, Itanagar Papumpare District AP, whereby, seeking various information as quoted in Form-A application.

Appellant being not received information from the PIO, filed the First Appeal before the First Appellate Authority cum CE Commercial CEI Department of Power Itanagar Papumpare District on 22.08.2023.

Appellant again having not received the required adequate information on decision from FAA, filed the Second Appeal before the Arunachal Pradesh Information Commission on 22.09.2023. The appellant has appended a memorandum from the FAA and a copy of forwarding letter from PIO to him without annexure mentioned therein.

The Registry of the Commission (APIC), on receipt of the appeal, registered it as APIC-No.926/2023 (Appeal) and processed the same for its hearing and disposal.

Notice of hearing dated 19.06.2024 were served to FAA, PIO and the Appellant. Accordingly, this matter came up for first hearing before the Commission Court today on 29.07.2024.

In this hearing of the appeal on 29.07.2024 the respondents PIO Shri Zomba Nacho EE Commercial CEI Deptt. of Power, Itanagar Papumpare District AP present. The appellant Shri Tai Shiva & Party appeared. The FAA Shri Duyu Tacho CE Commercial CEI Department of Power Itanagar Papumpare District appeared.

Heard the parties present.

The appellant states that the information furnished by the PIO is false and incomplete. But he did not submit any written statement as to how the information provided to him is false, which part of information provided to him is correct, and which specific information as per RTI application in form-A is still wanted. He has argued about the ambiguity in the accounting of the free power from Hydro Power Developer to the state govt.

The PIO Shri Zomba Nacho EE (COM) submitted that information as sought by the applicant has been furnished. He has produced a copy of Annexure- I provided to the applicant.

The FAA Shri Duyu Tacho, CE DoP explained the procedure of accounting the free power provided to state govt. by the Hydro Power Developer.

On perusal of the case file, it is observed that the FAA has not formally summoned and heard the PIO and Appellant. He has issued a memorandum unilaterally vide no. CE (COM) Cum-CEI/E-37/2023-24/1186-88 dated 1<sup>st</sup> August 2023 wherein he has explained the procedure of accounting the free power to state govt. from Hydro Power Developer and directed to the PIO to furnish information to the appellant. It appears that the FAA has not completely disposed of the appeal.

*As laid down at para-38 of the Guidelines for the FAA issued by the GoI and the State Govt. OM No. AR-111/2008 Dated 21<sup>st</sup> August, 2008,. adjudication on the appeals under RTI Act is a quasi-judicial function. It is, therefore, necessary that the Appellate Authority should see to it that the justice is not only done but it should also appear to have been done. In order to do so, the order passed by the appellate authority should be a speaking order giving justification for the decision arrived at.*

Therefore, the First Appellate Authority (FAA), the CE Commercial CEI Department of Power Itanagar Papumpare District A.P, following the principle of natural justice, shall conduct hearing giving fair and equal opportunity to both the appellant and the PIO and thereafter pass reasoned and speaking order on merit within three weeks from the date of receipt of this order. Therefore, this appeal is remanded to the First Appellate Authority (FAA).

In view of the above facts and circumstances I find this appeal is fit to be disposed of and closed at Commission. And, accordingly, this appeal stands disposed of and closed once for all.

Judgement / Order pronounced in the Open Court of this Commission today the 29<sup>th</sup> day of July 2024. Each copy of the Judgement / Order be furnished to the parties.

Given under my hand and seal of this Commission / Court on this 29<sup>th</sup> day of July' 2024.

Sd/-


(Dani Gamboo)

State Information Commissioner  
APIC, Itanagar

Memo No.APIC-926/2023/205  
Copy to:

Dated Itanagar the 31<sup>st</sup> July' 2024.

1. The FAA cum CE Commercial CEI Department of Power Itanagar Papumpare District A.P. 791111.
2. Shri Zomba Nacho PIO cum EE Commercial CEI Deptt. of Power, Itanagar Papumpare District Govt. of A.P. Pin: 791111.
3. Shri Tai Abu & Party Gangte Line Sangram PO/PS Sangram Kurung Kumey District A.P Pin: 791118. (M) 7628031388.
4. Computer Programmer Itanagar APIC to upload in APIC website and mailed to concerned department email.
5. Office copy.

  
Registrar  
Andhra Pradesh Information Commission  
Registrar / Dy.Registrar  
APIC Itanagar