



ARUNACHAL PRADESH INFORMATION COMMISSION (APIC)
ITANAGAR

File No. APIC-No.1062/2023(Appeal)

Shri Ratan Chetia

Village Sitpani Moran

PO: Mohadevpur Namsai District A.P

Pin: 792105 (M) 7063965456.

Appellant

Versus

PIO,

**Executive Engineer PHE & WS
Division Namsai**

Namsai District Govt. of AP.

Pin: 792103.

Respondents

FAA,

**Chief Engineer (EZ) PHE & WS
Deptt. Namsai**

Namsai District Govt. of AP.

Pin: 792103.

Date of Hearing: 23.09.2024

Date of Decision: 23.09.2024

INFORMATION COMMISSIONER : Dani Gamboo

Relevant facts emerging from appeal:

RTI application filed on : 30.06.2023

SPIO replied on : 7.8.2023

29.9.2023

First appeal filed on : 19.08.2023

First Appellate Authority's Order : 30.8.2023

Second Appeal filed on : 17.11.2023

Information sought:

The appellant filed an RTI application dated 30.06.2023 seeking following information.

Regarding information of up to date details of the Old Water Supply Tanks under PHE and W/S department in Lekang CD Block

Details of information required:-

- a. Furnish in details of old water supply tanks (villages like kaupatoni, Sengapather, Kumari, Adivasi, Kathalguri, Upper Silato, Mahaloni, Eraloni...etc.) wherever constructed before LWS under JJM schemes in Lekang CD Block.
- b. Furnish in details of demolished/repaired/auctioned process (if any) of list of Old Water Supply Tanks village wise under lekang CD Block.

Relevant facts emerged during hearing:

The following were present.

Appellant : Present
Respondent PIO : Shri Gumku Maga JE has represented
Respondent FAA : Absent

Statement of Appellant : Satisfactory information not furnished by PIO and FAA has not heard first appeal filed to him.

Statement of PIO : Information furnished to the appellant dated 29.09.2023.

Statement of FAA : FAA forwarded the first appeal to the PIO dated 30.8.2023 without conducting hearing.

Decision:

The Commission after adverting to the facts and circumstances of the case, hearing the parties and perusal of the records, observes that FAA has not disposed of the first appeal filed to him following statutory procedure laid down in Arunachal Pradesh Right to Information (Appeal Procedure) Rules, 2005. So, this appeal case is decided and determined ex-parte as notified in the hearing notice.

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 21st 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.

The instant appeal case is remanded to the First Appellate Authority (FAA). Therefore, the FAA - **Chief Engineer (EZ) PHE & WS Deptt. Namsai**, following the principle of natural justice, shall conduct hearing giving fair and equal opportunity to both the appellant and the PIO. Thereafter pass reasoned and speaking order on merit within three weeks from the date of receipt of this order. Liberty given to file second appeal afresh, if the appellant is not satisfied with the decision of FAA / the PIO has not implemented the order of FAA. In such case, the second appeal fee is exempted.

The appeal is disposed of accordingly at Commission.

**Sd/-
Dani Gamboo
Information Commissioner**

Authenticated true copy

Registrar / Dy. Registrar
APIC

Date:

Memo No. APIC-1062/2023/ 352
Copy to:

Dated Itanagar the 24th Sept, 2024.

1. The Computer Programmer, APIC Itanagar with request to upload in APIC website and mail to concerned departmental email id.
2. Office copy.


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