



ARUNACHAL PRADESH INFORMATION COMMISSION

TANAGAR.

Case U/S 19(3) of RTI Act, 2005

Case No. APIC- 1138/2024 (R) 1138/2023.

APPELLANT : Shri Likha Tadam, D-Sector, Near Postal Colony, PO/PS Itanagar (A.P).
RESPONDENT : The PIO, o/o the Chief Engineer (PMGSY)(RWD), Govt of A.P,
Itanagar (A.P).

ORDER

This is an appeal under section 19(3) of the RTI Act, 2005 which was converted from Complaint filed under Section 18(1) of RTI Act, 2005 by Shri Likha Tadam for non-furnishing of information by the PIO, o/o the Chief Engineer, (RWD), Govt. of A.P, Itanagar which was registered earlier in this Commission as APIC No 1138/2023 and remanded by this Commission to First Appellate Authority vide order dated 24th July, 2024.

Brief facts of the case:

The brief facts of the case are that the appellant, Shri Likha Tadam had filed an application dt.25.04.23 before the PIO, o/o the Chief Engineer (RWD) (PMGSY), Govt. of Arunachal Pradesh, Itanagar seeking on 4(four) point information regarding construction of Shally Rubdi PMGSY Road to Taib Village (6 KM), Block Ziro-II, Lower Subansiri, of which the formation cutting (FC Cutting).

Records disclose that the information as requested by the appellant remained unfurnished despite the appellant's appeal to the First Appellate Authority (FAA vide Memo of Appeal dt.01.11.2023. Hence, the appellant filed his Second appeal before this Commission on 05.12.2023 which was heard on 14.06.24 wherein Shri Taba Tokur, on behalf of the Appellant, Shri Likha Tadam and Shri Likha Tei, APIO, representing the PIO, o/o the C.E, (PMGSY), RWD, Itanagar attended the hearing.

This appeal was earlier listed and heard on 24.07.2024 wherein the appellant, Shri Likha Tadam and the APIO, Shri Likha Tei were present who were duly heard.

This Commission, upon hearing and on perusal of the record, found that the First Appellate Authority did not take any action on the appeal as required under section 19(1) of the RTI Act. Therefore, vide order dt.26.07.2024, the appeal was remanded to the First Appellate Authority for adjudication and passing an appropriate order within a period of 30 days from the date of receipt of the aforesaid order with liberty to the appellant to prefer second appeal, if dissatisfied or aggrieved by the decision of the First Appellate Authority.

The First Appellate Authority, the C.E (PMGSY)(RWD), Govt. of A.P, Itanagar, however, did not take up the appeal despite direction from this Commission. Hence, the appellant filed complaint under section 18 of the RTI Act against the PIO, Er. Shri Daneil Pertin, E.E o/o the C.E (PMGSY)(RWD), Govt. of A.P, Itanagar.

Hearing and decision:

This case was, accordingly, listed for hearing today on 29.11.2024 wherein the complainant, Shri Likha Tadam and the PIO, Er. Shri Daneil Pertin, E.E were present and were heard.

The applicant/complainant submitted that pursuant to the order dt.26.07.2024 passed by this Commission, he had visited the o/o the FAA, the PIO and the APIO on 08.08.24, 14.08.24, 26.08.24 and 09.09.24 requesting for consideration of his appeal as directed by this Commission but inspite of assurance by the APIO, Shri Likha Tei, A.E o/o the C.E (PMGSY)(RWD), Govt. of A.P, Itanagar, neither hearing on his appeal was conducted nor was he provided the information and as such he was compelled to file this complaint under section 18(1) of the RTI Act.

The PIO, o/o the C.E (PMGSY)(RWD), Govt. of A.P, Itanagar, however, submitted that since the particulars of information requested by the applicant/complainant i.e c/o Shally Rubdi PMGSY Road to Tallo Village (6 KM) pertains to the Executive Engineer/DPIU(RWD) Ziro, the RTI application of the applicant/complainant was transferred to the o/o the said Executive Engineer vide letter dt.19.06.2024 and that the PIO, o/o the Executive Engineer/DPIU(RWD) Ziro is ready to furnish the sought for information to the applicant/complainant.

Since the applicant/complainant has filed compliant under section 18(1) of the RTI Act, this Commission explained to the complainant the implication of the provisions of the two sections viz, section 18 and section 19 of the RTI Act, 2005 which provide for two different remedies in that under section 18, only the penalty prescribed under section 20 can be imposed while for obtaining information, the section 19 provides for remedy. The complainant was, thus, asked to clarify his stand as to whether he wishes to proceed with the complaint under section 18 or as an appeal under section 19. The complainant replied that he wishes to have his grievance considered as an appeal under section 19 and not as complaint under section 18. This Commission, accordingly, converted the complaint to appeal under section 19(3) of the RTI Act and directed the PIO to furnish the information sought for by the complainant/appellant vide his application dt. 25.09.2023 and adjourned the hearing to 20.12.24.

In the hearing on 20.12.24 wherein the appellant was absent but the representative of the PIO, o/o the Executive Engineer/DPIU(RWD) Ziro, Er. Shri Sachin Jerang, J.E appeared on behalf of the PIO through VC, it was submitted by the representative of the PIO that the appellant were provided the information sought by him the receipt of which was also acknowledged by him over phone. This Commission, however, could not confirm the factual position in the absence of the appellant. Hence, the hearing was adjourned to 31.01.2025 with warning to the appellant that if he does not turn up in the hearing again, it shall be presumed that he has received the information from the PIO with which he is satisfied and accordingly, this appeal shall be disposed of and closed.

In the hearing on 31.01.2025, the appellant did not turn up but the PIO was represented by Er. Shri Bijumon R, J.E through VC who reiterated the earlier submission made by Er. Sachin Jerang, J.E/APIO that the appellant has already been provided with the sought for information. This Commission also received a copy of letter dt.20.01.2025 from the o/o the PIO furnishing the information to the appellant and bearing thereon the signature dt.31.01.205 of the appellant as an acknowledgment of the receipt of the requested information.

In the premises as above, this appeal stands disposed of and closed.

Given under my hand and seal of this Commission on this 31st January, 2025.

Sd/-

(S. TSERING BAPPU)
State Information Commissioner,
APIC, Itanagar.

Memo No. APIC-1138/2024(R) 1138/23/552 Dated Itanagar, the 4 February, 2025

Copy to:

1. The FAA, the Chief Engineer (PMGSY)(RWD), Govt. of A.P, Itanagar for information.
2. The PIO, o/o the Executive Engineer/DPIU(RWD), Govt. of A.P, Ziro for information.
3. The PIO, o/o the Chief Engineer(PMGSY)(RWD), Govt. of A.P, Itanagar for information.
4. Shri Likha Tadam, D-Sector, Near Postal Colony, PO/PS Itanagar, Arunachal Pradesh, PIN: 791111, Mobile No.7640806454 for information.
5. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
6. Office copy.
7. S/copy

Registrar
Arunachal Pradesh Information Commission
Itanagar

Registrar/ Deputy Registrar
APIC, Itanagar