



**ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR**

**BEFORE THE COURT OF SHRI RINCHEN DORJEE STATE CHIEF
INFORMATION COMMISSIONER**

No.APIC-1133/2023

Dated, Itanagar the 20th June' 2024

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

Appellant: Shri Tania June, E-Sector, Naharlagun, Papum Pare District, Arunachal Pradesh, PIN-791110, (M) 8131848230.

Vs

Respondent: The Public Information Officer, Govt. of A.P., O/o Chief Engineer Department of Power, Western Zone, Itanagar, Arunachal Pradesh, PIN-791111.

Dated of 1st Hearing:-20-06-2024

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 filed by Shri Tania June, E-Sector, Naharlagun, Papum Pare District, Arunachal Pradesh, for non-furnishing of information by the Public Information Officer, Govt. of A.P., O/o Chief Engineer Department of Power, Western Zone, Itanagar, Arunachal Pradesh, as sought by the Appellant under section 6(1) of RTI Act, 2005 vide Form-A Dated 19/08/2023 regarding **Expenditure and implementation of under Non-Plan fund / maintenance work etc / Repairing work / Road and bridge of entire district.**

The matter came up for 1st hearing today on 20th June (Thursday) at 1400 hrs. Both the parties are present. Er. Mogum Jini Riba, the PIO has submitted that after receiving the application she has intimated to the information seeker Shri Tania June on 13/11/2023 asking him to deposit an amount Rs. 20/- in the Treasury Challan being the cost of information. Further, she submitted that the PIO has furnished all the information through the postal services on 17/11/2023 in the address given by the appellant in his application. On the other hand, the Appellant has submitted that he has neither received any letter nor information furnished by the PIO.

After going through the documents of the application in form "A" it is found that the Appellant is not specified his information. The information sought for are of various schemes. The Appellant has sought information from 2014 onwards. No. 3. It is observed that the matter was not heard by the First Appellate authority which is mandatory as per the section 19 (1) of the RTI Act, 2005.

Here, it is observed that the PIO's have given 30 days to furnish the information and information sought for various schemes and that too from 2014 onwards which is not possible on the part of the PIO to furnish the same within one month time. The PIO's are required to see the application record the date of application date of receipt of the application and also whether the information sought for are specific or vague. Accordingly, their finding should be intimated to the information seeker to make a specific of one work of the schemes for one financial year which is not seen in the instance case.

As the matter is not being heard by the First Appellate Authority which is mandatory in the three tiers systems of RTI Act, 2005. No.1. The PIO, No.2. The First Appellate Authority and No.3. the 2nd Appellate Authority so without hearing the First Appellate Authority. The matter cannot dispose of by the 2nd Appellate Authority.

Under the circumstances as above, the Commission desires to remand the application to the First Appellate Authority as per the provisions of the RTI Act, 2005 to summon both the parties in the interest on natural justice of being heard by giving an equal fair opportunity to both the parties and passed necessary orders in speaking order on merits. The case is disposed of. The Appellant may file a fresh appeal to the Commission, if he is not satisfied or aggrieved by the order passed by the First Appellate Authority.

Hence, the case is disposed of.


Order copies be issued to all the parties.

Sd/-

(Rinchen Dorjee)

State Chief Information Commissioner
Arunachal Pradesh Information Commission


Itanagar

Dated, Itanagar the 21  May, 2024

Memo No. APIC-1133/2023 / 80

Copy to:

1. The FAA-Cum- Chief Engineer (Power-Western Zone) , Govt. of A.P., O/o Chief Engineer Department of Power, Western Zone, Itanagar, Arunachal Pradesh, PIN-791111 for needful action.
2. Computer Programmer, APIC, Itanagar, to upload in APIC Website & send mail to all the parties.
3. Case file.


Registrar/ Dy. Registrar
Arunachal Pradesh Information Commission
Itanagar

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar.