



ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC)
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Vide Case No. APIC- 757/2023.

Shri Lokam Namdu, c/o Hotel River View,
Naharlagun A.P, PIN: 791110

.....**APPELLANT**

Vs

The block Development Officer-cum-PIO C.D
Block Sarli and Polosang Kurung Kumey
District, A.P PIN :791111

..... **RESPONDENT**

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Lokam Namdu for non-furnishing of 33 (thirty three) point information by the Block Development Officer-cum-PIO CD Block, Sarli & Polosang Kurung Kumey District, A.P as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dt.17.05.2023

This appeal is listed for hearing in this Commission today on 25.09.2024 wherein the PIO, Shri John Diru, BDO, Sarli and Polosang attended through video Conferencing and the appelland, Shri Lokam Namdu attended in person.

Records disclose that the information as requested by the appelland remained unfurnished despite the appelland's appeal to the 1st Appellate Authority, the D.C, Kurung Kumey District, Govt. of Arunachal Pradesh, Koloriang vide his Memo of appeal dt.19.06.2023. Hence this Second appeal before the Commission which was filed on 09.08.2023.

During the course of hearing, the PIO submitted that his office never received the application (Form-A) submitted by the appelland seeking the information. The appelland, however, contested the PIO's submission to say that he has the proof of dispatch of his application (Tracking No. of Speed Post) which indeed is found attached in the application Form-A. Be that as it may, the PIO has been provided a copy of the application dt.17.05.2023 filed by the appelland through Whatsapp.

This Commission observe that there is no record of the First Appellate Authority's taking any any action on the appeal.

The First Appellate Authority, being well versed with the functioning of the department, ought to have adjudicated the appeal and passed a suitable order in speaking form stating therein the reasons for his decision. In doing so, the FAA, as the quasi-judicial authority under the RTI Act, ought to have heard both the parties and passed a reasons order on merit.

In the instant case, the First Appellate Authority, having not adjudicated on the appeal as mandated under section 19(1) of the RTI Act, 2005, the Commission deems it appropriate to remand the appeal to the First Appellate Authority, the D.C, Kurung Kumey District, Govt. of Arunachal Pradesh, Koloriang for adjudication. The First Appellate Authority, being the officer senior in rank to the PIO and well versed with the knowledge of the functioning of the department, shall apply his mind and go into the aspects like what kind of information was sought by the appellant in his application, whether the same was and could be provided or whether the same is exempted under the relevant provisions of section 8 and 9 of the RTI Act and pass a speaking order giving justification for his decision.

The appeal is, accordingly, remanded to the First Appellate Authority, the D.C, Kurung Kumey District, Govt. of Arunachal Pradesh, Koloriang for adjudication and passing an appropriate order within 4(four) weeks from the date of receipt of this order with liberty to the appellant to prefer second appeal, if dissatisfied or aggrieved by the decision of the First Appellate Authority for which no cost need be paid.

Given under my hand and seal of this Commission on this

Sd/-
(SANGYAL TSERING BAPPU)
State Information Commissioner,
APIC, Itanagar.

Memo No. APIC- 757/2023/ 223

Dated Itanagar, the 37 September, 2024

Copy to:-

1. The Dy. Commissioner, Kurung Kumey District, Govt. of Arunachal Pradesh, Koloriang for information and compliance.
2. The Block Development Officer-cum-PIO CD Block, Sarli & Polosang Kurung Kumey District, A.P for information & necessary action.
3. Shri Lokam Namdu, c/o Hotel River View, Naharlagun A.P, PIN: 791 110 Mobile no. 9362166831/9436829644 information & necessary action.
4. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please
5. Office copy.
6. S/copy.

Registrar/ Deputy Registrar
APIC, Itanagar.

Arunachal Pradesh Information Commission
Itanagar