



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. 994/2023(Appeal)

Shri Nabam Johan  
Doimukh, Komla  
Papumpare District A.P  
Pin: 791112  
(M) 6009829951

Appellant

Versus

1. Shri Tech Nabo Tara  
PIO cum EE PWD CD B  
Itanagar, Papum Pare District  
A.P. Pin: 791111.

Respondents

2. Shri C S Chautam  
FAA cum SE, PWD  
Capital Circle Itanagar  
Papumpare District  
A.P. Pin: 791111.

Date of hearing: 24.05.2024

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 Nabam Johan on 26.07.2023 filed an RTI application in Form-A to the PIO cum Executive Engineer, PWD Itanagar, 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, the Superintending Engineer, PWD, Capital Circle on 11.09.2023.

Appellant again having not received the required information and decision from FAA, filed the Second Appeal before the Arunachal Pradesh information

Commission on 18.10.2023. The appellant has not attached any order of decision or response from the FAA against which appeal is preferred.

The Registry of the Commission (APIC), on receipt of the appeal, registered it as APIC-No. 994/2023 (Appeal) and processed the same for its hearing and disposal.

Accordingly, this matter came up for hearing before the Commission Court today on 24.05.2024. Notice of hearing dated 01.05.2024 were served to FAA, PIO and the Appellant.

In this hearing of the appeal on 24.05.2024 the respondent PIO is represented by Shri Nangram Mire APIO cum Asstt. Engineer with authorisation letter, the FAA is represented by Shri Kumar Panggam, Executive Engineer and the appellant Shri Nabam Joham appeared.

Heard the parties present.

The appellant states that neither information document has been furnished to him by the PIO nor FAA has heard his appeal to dispose off the case at his / her level. So, he filed 2<sup>nd</sup> appeal to the Arunachal Pradesh Information Commission and prayed for necessary action as deemed fit.

The representative of the PIO could not substantiate any reason for not furnishing the information sought. However, a written submission dated 22.05.2024 received from Shri Tech Nabo, PIO cum EE PWD CD-B received wherein he states that the information sought pertains to Naharlagun PWD Division.

The representative of the FAA could not submit and substantiate for not taken any action on the appeal filed under section 19 (3) of RTI Act 2005 by the appellant. Both EE PWD Naharlagun Division and EE CD-B Itanagar falls under SE PWD Capital Circle.

*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.*

On perusal of the case file, it is observed that there is no action on record taken by the FAA on the first appeal filed by the appellant

Therefore, the First Appellate Authority (FAA) and the Superintending Engineer, PWD Capital Circle Itanagar, 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. Hence, this appeal is remanded to the First

Appellate Authority (FAA), the Superintending Engineer, PWD Capital Circle GoAP, Itanagar.

In view of the above facts and circumstances I find this appeal is fit to be disposed off and closed at commission with liberty to the appellant to file appeal afresh if aggrieved by the decision of the FAA. And, accordingly, this appeal stands disposed off and closed once for all.

Judgement / Order pronounced in the Open Court of this Commission today this 24<sup>th</sup> day of May 2024. Each copy of the Judgement / Order be furnished to the parties.

Given under my hand and seal of this Commission / Court on this 24<sup>th</sup> day of May' 2024.

Sd/-

( Dani Gamboo )

State Information Commissioner  
APIC, Itanagar

Memo No.APIC-994/2023/1627  
Copy to:

Dated Itanagar the 30. May' 2024.

1. Shri C S Chautam FAA cum SE, PWD Capital Circle, Itanagar Papum pare District Arunachal Pradesh Pin: 791111.
2. Shri Tech Nabo PIO cum EE CD B, PWD Itanagar, Papum Pare District Arunachal Pradesh Pin: 791111.
- 4 3. Shri Nabam Johan, Doimukh Komla Papum Pare District Arunachal Pradesh Pin: 791112 (M) 6009829951
4. Computer Programmer APIC, Itanagar to upload in APIC website and mail to all concern in their departmental email id.
5. Office copy.

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