



ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC)
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Vide Case No. APIC- 973/2023.

(Summon to appear in person)
(Or.5, R.3 of CPC)

Shri Buli Bhai, G-Sector, PO/PS
Naharlagun, Papum Pare District (A. P)

.....Appellant

The PIO, o/o the Executive Engineer,
(Power) Raga Division, Kamle District, (A.P)

.....Respondent

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Buli Bhai for non-furnishing of information by the PIO, o/o the Executive Engineer, (Power), Raga Division, Kamle District, Govt. of Arunachal Pradesh as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application 06/07/23.

This appeal is heard today on 04/10/24 as scheduled wherein the Appellant Shri Buli Bhai is absent but the APIO, Shri Ringu Kalley o/o the E.E, (Power), Raga Division, Kamle District is present.

Records reveal that the Appellant did not receive the information sought by him from the PIO in view of which he approached the Chief Engineer (E/Z) (Power), the F.A.A vide his appeal dated 31/08/23. Having failed yet again to obtain the information the Appellant preferred this second appeal before this Commission vide Memo of Appeal dated 09/10/23.

Records further disclose that the F.A.A has not adjudicated on this appeal as mandated under Section 19(1) of RTI Act, 2005.

The First Appellate Authority, following the principle of natural justice, should conduct hearing giving fair and equal opportunity to the Appellant and the PIO and thereafter must pass a reasoned and speaking order on merit.

It is to be noted that the F.A.A, while adjudication on the appeal must apply his mind into the aspects like the kind of information sought by the Appellant, whether the information sought for could be disclosed or whether the same is exempted under relevant provisions of law and then, exercise his power and functions as mandated

by the Act for implementation of the RTI Act in letter and spirit in terms of the provisions of Section 19(1) of the RTI Act, 2005.

In the premises as above this Commission finds the case at hand fit to be remanded to the FAA, the Chief Engineer, Dept. of Electrical Power , Eastern Zone, Govt. of A.P for adjudication who shall apply his mind and go into aspects like what kind of information was sought by the Appellant, whether the information(s) could be provided or whether the same is hit by the provisions of Section – 8 & 9 of the RTI Act, 2005 and then pass an appropriate speaking order giving justification for his decision.


This appeal is accordingly, remanded to the F.A.A, the Chief, Engineer (Power) (E/ Z) for adjudication within 3(three) weeks from the date of receipt of this order with liberty to the Appellant to prefer second appeal before this Commission under section 19 (3) of the RTI Act, if he is aggrieved with the order passed by the F.A.A, for which no fee need be paid.

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

Memo No. APIC- 973/2023/ 246
Copy to: -

Dated Itanagar, the 8 Oct, 2024

1. The Chief Engineer (Power), (E/Z), Govt. of A.P-cum-the First Appellate Authority (FAA) for information & necessary compliance.
2. PIO, o/o the Executive Engineer, (Power), Raga Division, Kamle District, Govt. of Arunachal Pradesh PIN: 791120 for information and necessary action.
3. Shri Buli Bhai, G- Sector, PO/PS Naharlagun, Papum Pare District (A.P) PIN: 791111 Mobile no.7085354892 for information & necessary follow-up action.
4. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
5. Shri Himanshu Verma, IT Consultant to intimate the Appellant and PIOs for online hearing and arrangement accordingly.
6. Office copy.


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