



ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC)
TANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Vide Case No. APIC- 10/2024.

(Or.5, R.3 of CPC)

**Shri Dongru Tania, Near Takar Complex,
PO/PS- Naharlagun, Papum Pare Dist, (A.P)**

: APPELLANT

Vs

**The PIO, o/o the Executive Engineer, (PWD),
Tali Division, Kra Daadi District,
Govt. of A.P**

: RESPONDENT

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Dongru Tania for non-furnishing of information by the PIO, o/o the Executive Engineer (PWD), Tali Division, Kra Daadi District, Govt of A.P as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 12.10.2023.

This appeal is heard today on 06/11/24 wherein the Appellant, Shri Dongru Tania is present but the PIO, o/o the E.E (P.W.D), Tali Division, Kra Daadi District, (A.P) is absent.

Records reveal that the Appellant did not receive the information sought by him from the PIO in view of which he approached the F.A.A the Chief Engineer, (PWD), Central Zone (A) Itanagar, Govt. of A.P, vide his appeal dated 15/11/23.

Having failed yet again to obtain the information the Appellant preferred this second appeal before this Commission vide Memo of Appeal dated 04/01/24.

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 have conducted hearing giving fair and equal opportunity to the Appellant and the PIO and thereafter passed 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 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, (PWD), C/Z (A) Itanagar, 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, whether the information requested is disproportionate/indiscriminate etc 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 C/Z (A) Itanagar for adjudication within 4(four) weeks from the date of receipt of this order and the PIO shall comply with the order of the F.A.A within 2(two) weeks from the date of F.A.A's 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/ dissatisfied with the order passed by the F.A.A, or with the information furnished by the PIO for which no fee need be paid.

Sd/-

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

Memo No. APIC-10/2024/ 294 Dated Itanagar, the 7 Nov, 2024
Copy to:-

1. The Chief Engineer, (PWD), Central Zone, (A) Govt. of A.P, Itanagar -cum- First Appellate Authority for information and compliance.
2. The PIO, o/o the Executive Engineer, (PWD), Tali Division, Kra Daadi District, Govt of A.P for information & necessary action please.
3. Shri Dongru Tania, Near Takar Complex, Naharlagun, Papum Pare district, (A.P) for information.
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

Registrar
Arunachal Pradesh Information Commission
Itanagar