



**ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC)  
ITANAGAR, ARUNACHAL PRADESH**

An appeal case U/S 19(3) of RTI Act, 2005

Vide Case No.APIC-190/2024

**BEFORE THE HON'BLE COURT OF SHRI VIJAY TARAM, THE STATE INFORMATION  
COMMISSIONER, UNDER SECTION 19(3) OF RTI ACT, 2005.**

Shri Pisa Tapam

..... **Appellant.**

**-VERSUS-**

PIO-Cum- EE, PHE & WS Department,  
Koloriang Division, K/Kumey District,  
Govt. of Arunachal Pradesh.

..... **Respondent.**

**Judgment/Order: 18.06.2024.**

**JUDGMENT/ORDER**

The 1<sup>st</sup> hearing held on **18<sup>th</sup> June,2024** related to the **APIC No-190/2024**. The Appellant Shri Pisa Tapam present during the hearing but the PIO found absent without intimating to the Commission the reason for his inability to attend the hearing, which in fact is not becoming of a public servant who also has a mandatory duty to attend to statutory duties besides discharging public duties.

After hearing the Appellant and going through the available documents, the Commission observed that the present appeal is premature, as the First Appellate Authority (FAA) did not conduct a proper and fair hearing of both the parties before him, as per the established procedural law under RTI Act, 2005.

It is pertinent to mention here that, according to the RTI Act of 2005, it provides for three stages of seeking information. First:-, from the PIO, Second:- on the failure of the PIO to provide the information to the Applicant or aggrieved by the decision of the PIO the, Applicant will make an appeal to the First Appellate Authority, and the First Appellate Authority is mandated to conduct a proper and fair hearing of both the parties by giving due opportunity to the Appellant, to decide the case and thereby pass an order on the subject matter, thirdly:- the Appellant on being dissatisfied or aggrieved by the order of the First Appellate Authority, can appeal to the State Information Commission as per Section 19 (3) of the RTI Act, 2005.

In the instant appeal, the First Appellate Authority, who is the Chief Engineer, Western Zone PHE & WS , Itanagar had to give a proper and fair hearing to the Appellant

along with the PIO in presence and it is evident while hearing of the instant appeal that the First Appellate Authority has not conducted a proper and fair hearing to both the parties, which is a procedural lapse on the part of the First Appellate Authority as per the rules of RTI Act, 2005.

Under the above stated facts & circumstances, this appeal case is remanded back to the First Appellate Authority for giving an opportunity for a proper and fair hearing to both the parties within 30 days from passing this order by adopting the procedures as per law and after hearing both the parties, a speaking order be passed as per merit of the case. The order Passed be intimated to the Commission.

And hence, the appeal is disposed off by the Commission, with the liberty given to the Appellant to file a fresh appeal if he is aggrieved or the information as sought by him is /are not provided to him even after the order of the FAA.

Sd/-  
(Vijay Taram)  
State Information Commissioner  
APIC, Itanagar.

Memo.No.APIC-190/2024

Dated Itanagar, the ..24 June,2024.

Copy to:

1. PIO-Cum- EE, PHE & WS Department, Koloriang Division, K/Kumey District, Govt. of Arunachal Pradesh for information and necessary action please. **Pin Code-791118.**
2. FAA-cum- the Chief Engineer, Western Zone, PHE & WS, Itanagar, P/Pare District, Govt. of A.P for information and necessary action please.
3. Shri Pisa Tapam, G-Extension Naharlagun, PO/PS- Naharlagun, P/Pare District, Arunachal Pradesh for information please. **Contact No. 8413931088.**
- ✓ 4. The Computer Programmer, APIC for uploading on the Website of APIC please.
5. Office Copy.

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