



ARUNACHAL PRADESH INFORMATION COMMISSION ITANAGAR

**BEFORE THE HON'BLE COURT OF SHRI SANGYAL TSERING BAPPU, STATE
INFORMATION COMMISSIONER**

No. APIC-514/2023

Dated, Itanagar the 22nd May 2024.

Under Section 19(3) RTI Act, 2005

Appellant

**Shri Mamu Sono
Vill-Sood, Naharlagun
P.O/P.S-Naharlagun,AP.**

Respondent

Vs-

**PIO-Cum-EE, PWD
Bomdila Division
West Kameng District,AP.**

JUDGEMENT & ORDER

This is an appeal under section 19 (3) of RTI Act, 2005 filed by **Shri Mamu Sono, Vill-Sood, Naharlagun, P.O/P.S- Naharlagun, Arunachal Pradesh** for non-furnishing of information by the **PIO-Cum-EE, PWD, Bomdila Division, West Kameng District, Govt. of AP**, as sought for by the Appellant under section 6(1) (Form-A) of RTI Act,2005.

Relevant dates emerging from the Appeal:

1	RTI application	20.03.23
2	PIO's response	-
3	First Appeal	21.04.23
4	First Appellate Authority's response	27.04.23
5	Second Appeal	23.05.23
6	<u>Hearing in the Commission</u>	
	a) First hearing	21.12.23
	b) Second hearing	20.01.23
	c) 3rd hearing	23.03.24
	d) 4 th hearing	22.05.24
7	Order by the Commission	22.05.24

Brief facts emerging from the appeal:

The appellant, Shri Mamu Sono filed an application dt.20.03.23 under the RTI Act, 2005 before the PIO, O/O the Executive Engineer, PWD, Govt. of A.P, Bomdila Division, West Kameng District Bomdila seeking the following information(s):

1. Particulars of information : Schemes list under SADA, ADA, SIDF and RIDF;
2. Details of information:
 - (i) The copies of total sanction order;
 - (ii) the names and the places where the works were executed/ implemented;
 - (iii) the copies of total nos. of scheme list of above-mentioned names;
 - (iv) the copies of total sanctioned amount for maintenance, renovation and repairs, stationeries;
 - (v) The copies of total list of C.C.Pavement roads under West Kameng District with total sanction amount and the names and places of works executed;
3. Period for which information is asked for: Since 2010 to till date (till 20.03.2023)

Hearing and decision:

The records disclose that the appellant, in his application dt.21.04.23 before the First Appellate Authority under section 19(1) of the RTI Act.2005, mentioned the date of his application i.e 20.03.23 as the date of receipt of the order appealed against and mentioned the date 21.04.23 as the last date of filing the First Appeal thereby treating the statutory period for furnishing information by the PIO from 20.03.23 to 21.04.23. The date, 20.03.23 which is the date of his application in Form-A, in fact, is also the date of receipt of his application in the post office, Naharlagun *not in the office of the PIO*.

There is, however, no record of the receipt of the appellant's application in the o/o the PIO, Bomdila which further makes the expiry of the statutory period of 1(one) month as calculated and mentioned in the appellant's application before the First Appellate Authority more questionable.

It is also observed that the First Appellate Authority, the Superintendent Engineer, PWD, Rupa Circle, without considering this aspect of the appeal had, vide order dated 27.04.23 and signed by the PIO/Executive Engineer (Planning), directed the PIO, o/o the Executive Engineer, PWD, Govt. of A.P, Bomdila Division, West Kameng Bomdila to furnish the information sought by the appellant. The Commission is constrained to note that the First Appellate Authority had passed the said order without properly applying its mind to the case. The First Appellate Authority, being the quasi-judicial authority, under the RTI Act, ought to have adjudicated the appeal before him by properly applying his mind and passed a reasoned and speaking order on merit instead of merely issuing a clichéd order.

Be that as it may, since the appeal had been admitted in the Commission and had also been heard for the 3rd time so far, it is being heard today again for the 4th time and is now being disposed of.

In the First hearing of the appeal on 21.12.23, the appellant, Shri Mamu Sono was present and Er. Shri Achung Bagang, A.E, PWD, Bomdila Division attended the hearing on behalf of the PIO, the Executive Engineer. After hearing both the parties, the Commission had directed the representative of the PIO to provide the information pertaining to only SIDF and the sanction orders thereunder.

In the 2nd hearing on 24.01.24 wherein the appellant was present, the PIO was directed to furnish the sought for information free of cost to the appellant. The representative of the PIO, Er. Shri Achung Bagang who reached the court after the hearing of the case, handed over the information as directed by the Commission in the 1st hearing. The information so received from the PIO was handed over to the appellant with direction to go through the same and intimate his satisfaction/dissatisfaction for further proceedings in the appeal.

In the 3rd hearing on 20.03.24, the appellant was present but neither the PIO nor his representative attended the hearing. During the course of hearing the appellant submitted the copy of his letter dt.06.02.23 addressed to the PIO intimating his dissatisfaction on the information he received from the PIO on 05.01.24 on the ground that the PIO had furnished the information only for the period from 2018 to 2023 whereas his request was for the period 2010 to 2023.

He also demanded that in case the information for the remaining period i.e for 2010 to 2017 is not available, then an affidavit to that effect be furnished by the PIO. The Commission perused the said letter of the appellant and as demanded by the appellant and as also already directed by the Commission in the 1st and 2nd hearing of the appeal, directed the PIO to furnish the left-out information i.e the information on SIDF pertaining to remaining period of seven years from 2010 to 2017.

The request of the appellant for information for the remaining period under the SIDF scheme only as against his initial demand for 4(four) schemes including SIDF plus the works on CC pavement roads in WEST Kameng District, in the considered opinion of the Commission, is worth considering and could be acceded to favorably by the PIO and as such the PIO is directed to furnish the said information to the appellant without further delay.

With the above direction, the appeal is disposed of.

Given under my hand and seal of this Commission's Court on this 22nd May, 2024

Sd/-
(Sangyal Tsering Bappu)
State Information Commissioner,
APIC, Itanagar.

Memo.No. APIC- 514/2023/ 1680

Dated Itanagar, the 28 May 2024.

Copy to:

1. The PIO-Cum- EE, PWD, Bomdila Division, West Kameng District, PIN-790001, Govt.of AP for information & necessary action please.
2. Shri Mamu Sono, vill-Sood, Naharlagun, P.O/P.S-Naharlagun, AP, PIN-791110, (phone no.9436215521), for information & necessary action please.
3. The Computer Programmer for uploading on the Website of APIC, please.
4. Office copy.


**Registrar/Dy. Registrar,
APIC, Itanagar.**

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar