



सूचना का
अधिकार
RIGHT TO
INFORMATION

ARUNACHAL PRADESH INFORMATION COMMISSION (APIC)
ITANAGAR

File No. APIC-No.1053/2023 (Appeal)

Shri Tagi Ruti

Village Ngopi PO:PS Likabali

Lower Siang District A.P

Pin: 791125.

(M) 600005989/9612924347.

Appellant

Versus

PIO,

Executive Engineer PWD

Gensi Division Lower Siang District

Govt. of AP. Pin: 791125.

Respondents

FAA,

Superintendent Engineer PWD

Basar Circle Leparada District

Govt. of AP. Pin: 791101.

Date of Hearing: 23.09.2024

Date of Decision: 23.09.2024

INFORMATION COMMISSIONER : Dani Gamboo

Relevant facts emerging from appeal:

RTI application filed on : 01.08.2023
SPIO replied on : Not on record
First appeal filed on : 05.10.2023
First Appellate Authority's Order : Not on record
Second Appeal filed on : 05.11.2023

Information sought:

The appellant filed an RTI application dated 01.08.2023 seeking following information.

Regarding Sought for various projects/schemes under Gensi PWD Division Lower Siang District.

- a. Fund sanctioned project/scheme wise.
 - b. Expenditure statement.
 - c. Copy of Estimated cost.
 - d. Technical Specification.
 - e. Copy of Technical Sanction.
 - f. Tender NIT (Award of Tender)
 - g. Paper cutting of published NIT
 - h. Name of Board Members
 - i. Participating Firms and their details
 - j. Details of Bidders firm documents.
 - k. Name of the Firm.
 - l. Copy of work order.
 - m. Details of payment.
 - n. Copy of final & Abstract bill counter signed by JE, AE & EE of concern authority.
 - o. Copy of MB against every schemes.
 - p. Copy of design and site photo.
 - q. Copy of UC.
- Period: 2018-2019 to till date.

Relevant facts emerged during hearing:

The following were present.

Appellant	:	Absent
Respondent PIO	:	Present
FAA	:	Absent

Statement of Appellant : Appellant submitted an application dated 22.9.2022 for re-scheduling of hearing date

Statement of PIO : PIO states that the information sought is voluminous, so it takes time to furnish the information.

Statement of FAA- : The FAA submitted an application to the commission wherein he has forwarded the hearing notice to the PIO vide letter no. SE/BSR/M-REQ/16/2024-25/902 dated 11.09.2024

Decision:

The Commission after adverting to the facts and circumstances of the case, hearing the party present and perusal of the records, observes that FAA has not procedurally disposed of the first appeal filed to him. So, this appeal case is decided and determined in the absence of FAA and Appellant as notified in the hearing notice.

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 21st 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.

The instant appeal case is remanded to First Appellate Authority (FAA). Therefore, the FAA - Superintending Engineer PWD Basar Circle, following the principle of natural justice, shall conduct hearing giving fair and equal opportunity to both the appellant and the PIO. Thereafter pass reasoned and speaking order on merit within three weeks from the date of receipt of this order, with liberty of the appellant to file second appeal afresh if not satisfied with the decision of the FAA and non-implementation of the order by the PIO. In such case, the fee for filing second appeal afresh shall be exempted.

The appeal is disposed of accordingly at Commission.

**Sd/-
Dani Gamboo
Information Commissioner**

Authenticated true copy

✓
Registrar / Dy. Registrar
APIC
Arunachal Pradesh Information Commission
Date: Itanagar

Memo No. APIC-1053/2023/ 353

Dated Itanagar the 26th Sept, 2024.

Copy to:

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2. Office copy.

Registrar / Dy. Registrar
APIC Itanagar