



सूचना का  
अधिकार  
RIGHT TO  
INFORMATION

ARUNACHAL PRADESH INFORMATION COMMISSION (APIC)  
ITANAGAR

APIC-No.1128/2023(Appeal)

**Shri Tania June**

E Sector, Naharlagun, PO:PS Naharlagun  
PapumpareDistrict A.P  
Pin: 791110. (M) 8131848230

**Appellant**

Versus

**PIO,**  
**Office of the CE, PHED (W/Z)**  
Itanagar, PapumpareDistrict  
Pin: 791111.

**Respondents**

**FAA,**  
**Chief Engineer (WZ)PHED**  
Itanagar, PapumpareDistrict  
Pin: 791111.

Date of Hearing: 12.09.2024

Date of Decision: 12.09.2024

**INFORMATION COMMISSIONER:** Dani Gamboo

Relevant facts emerging from appeal:

RTI application filed on	:	19.08.2023
SPIO replied on	:	29.8.2023
First appeal filed on	:	19.10.2023
First Appellate Authority's Order	:	07.11.2023
Second Appeal filed on	:	05.12.2023

**Information sought:**

Regarding expenditure and implementation of under non-plan fund/maintenance work etc/repairing work/ road and bridge of entire district.

1. Administrative approval and sanction order copies.
2. Furnish NIT copies
3. Work order copies
4. Photograph & GIO tag copies
5. First and final bill copies
6. DBT/PFMS xerox copy and detail list of name copies
7. GST & return fill copies
8. Money receipt copy and cheque receipt copies
9. Trading licence and proprietor details name list copies
10. Copy of NOC from Forest department
11. Work progress report
12. Site inspection copies
13. Utilization certificate copies
14. Detail name list of EE/AE/JE
15. DPR copies
16. Advertisement & local newspaper copies
17. Department and contractor agreement copy
18. Payment detail name list copy
19. Tender participate details copies
20. Land donated copies
21. Sketch map copies
22. Firm registration certificate copies
23. Firm work express certificate copies  
Period from 2014 to till date

**Relevant facts emerging during hearing:**

The following were present -

Appellant	:	Present
Respondent PIO	:	Present
Respondent FAA	:	Absent

The appellant submits that neither the PIO O/o Chief Engineer, PHED (WZ) has provided the information nor the FAA – Chief Engineer (WZ) PHED, Itanagar has heard his first appeal filed to him within time frame prescribed in RTI Act, 2005. So, he has filed second appeal to this commission court.

PIO states that many information sought are pertaining to district level office and not available in the office of the Chief Engineer PHE (WZ), Itanagar. The applicant was intimated vide letter no. PHED (WZ)/V/04-23/Vol-V(Part)/483-84 Dated 29.8.2023 and advised him to apply fresh application to concerned PIO.

First Appellate Authority (FAA) has filed a written submission today vide letter no. PHED (WZ)-V/04-22/Part-I Dated 12<sup>th</sup> Sept'2024, thereby intimates that the appellant was advised dated 7.11.2023 to file fresh application to the concerned PIOs in accordance with guidelines no. F no. 10/2/2008-IR Dated 24.9.2010.

The appellant interjected and apprised the bench that he has not received the letter of PIO and FAA stated above.

**Decision:**

The Commission after adverting to the facts and circumstances of the case, hearing the parties and perusal of the records, observes that in case the entire information sought does not fall within his jurisdiction, the PIO can transfer the remaining part to the concerned PIO in Form - B under Rule 4(1) of the Arunachal Pradesh Right to Information Rule, 2005.

First Appellate Authority has not heard the appeal as per statutory procedure laid in the RTI Act, 2005 and Arunachal Pradesh Right to Information (Appeal Procedure) Rule, 2005 to dispose of the First Appeal.

*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 21<sup>st</sup> 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.*

**Therefore, the instant appeal case is remanded to First Appellate Authority (FAA) – Chief Engineer, PHED (WZ) Itanagar.** The FAA, following the principle of natural justice, shall conduct hearing giving fair and equal opportunity to both the appellant and the PIO and thereafter pass reasoned and speaking order on merit within three weeks from the date of receipt of this order.

**The appeal is disposed of accordingly at Commission.**

**Sd/-  
Dani Gamboo  
Information Commissioner**

Authenticated true copy

Registrar / Registrar / Dy. APIC

Date:   
Deputy Registrar  
Arunachal Pradesh Information Commission  
Itanagar

Memo No. APIC-1128/2024/ 8/9

Dated Itanagar the 16 Sept, 2024.

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