



ITANAGAR, ARUNACHAL PRADESH

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

Vide Case No.APIC-129/2024

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

Shri Chow Praful Khenloong

..... **Appellant.**

-VERSUS-

PIO-Cum- EE, PHE & WS Department,
Bordumsa, Changlang,
Changlang District,
Govt. of Arunachal Pradesh

..... **Respondent.**

Judgment/Order: 14.05.2024.

JUDGMENT/ORDER

The 1st hearing held on 14th May,2024 related to the APIC No-129/2023. The Appellant Shri Chow Praful Khenloong and the PIO were present during the hearing.

After hearing both the parties and going through the available documents, it is observed that the appeal is premature, as the First Appellate Authority (FAA) did not conduct a proper 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 hearing of both the parties 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 case, the First Appellate Authority has to give a fair hearing to the Appellant and it is evident that the First Appellate Authority has not conducted a 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 fair hearing to both the parties

within 30 days from passing this order and after hearing both the parties, a speaking order may be passed as per merit of the case.

And hence, the appeal is disposed off by the Commission.

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

Memo.No.APIC-129/2024
Copy to:

Dated Itanagar, the ... 27 May, 2024.

1. PIO-Cum- EE, PHE & WS Department, Bordumsa, Changlang, Changlang District, Govt. of Arunachal Pradesh for information and necessary action please. **Pin Code-792103.**
2. FAA-cum- the Chief Engineer, PHE & WS Department, Eastern Zone, Namsai, Govt. of A.P for information and necessary action please.
3. Shri Chow Praful Khenloong, Vill-Kaisu, PO-Manmow, PS-Namsai, Namsai District Arunachal Pradesh for information please. **Contact No. 6009158273.**
4. The Computer Programmer, APIC for uploading on the Website of APIC please.
5. Office Copy.

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