



**ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR**

BEFORE THE HON'BLE COURT OF STATE CHIEF INFORMATION COMMISSIONERS

No.APIC-1109/2023

Dated, Itanagar the 30th May, 2024

Appeal Under Section 19(3) RTI Act, 2005

Appellant: Shri Patime Linggi, Village-Koronu, Po/Ps Koronu, Lower Dibang Valley District, Arunachal Pradesh, PIN-792110, (M) 8798435964 / 6085329949.

Vs

Respondent: The PIO-cum-DLRSO Govt. of A.P. Anini, Dibang Valley District, Arunachal Pradesh, PIN-792101.

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 filed by Shri Patime Linggi, Village-Koronu, Po/Ps Koronu, Lower Dibang Valley District, Arunachal Pradesh, for non-furnishing of information by the PIO-cum-DLRSO Govt. of A.P. Anini, Dibang Valley District, Arunachal Pradesh, as sought by the Appellant under section 6(1) of RTI Act, 2005 vide Form-A Dated 18/08/2023 regarding construction of 300 MW Dibang Multipurpose Project by NHPC and compensation in respect of Ahunii Community Land and APAKO Community land and Ataya Community land.

The 1st hearing is held today on 30th May, 2024 as scheduled. Ms. Kajum Mara, the PIO-cum-DLRSO Govt. of A.P. Anini, Dibang Valley District, Arunachal Pradesh and the Appellant Shri Patime Linggi are present. The Appellant has submitted that the PIO has not furnished information as sought by him. The PIO has submitted that the application Form-A was received by on 9th May, 2022 and response was given to the information seeker stating that the disbursement of compensation for DMP and NHPC to the project affected family is under process and whereas the matter is also subjudiced in the Guwhati High Court and Supreme Court, therefore, information cannot be made available at present. However, the PIO has submitted that copies of information are kept ready.

The Commission after going through the records available and submission made by both the parties made observation that at the outset it is clarified that the RTI Act provides no exemption from disclosure requirements of sub-judice matters. The only exemption for sub-judice matter is regarding what has been expressly forbidden disclosure by a court or a tribunal and what may constitute contempt of court.

However, the Commission found that the matter has not been heard by First Appellate Authority (FAA) which is mandatory under the RTI Act, 2005.

Therefore, the appeal case is remanded to the FAA with the direction to summon both the parties within 30(thirty) days from the issue of this order. Give equal and fair opportunities of being heard in the interest of the natural justice and pass speaking orders on merit. The Appellant is at his liberty to file fresh appeal to the Commission if he is aggrieved or not satisfied with the decision of the FAA.

Therefore, the case is hereby closed and disposed of.

Order copies be issued to all the parties.

Sd/-

(Rinchen Dorjee)

State Chief Information Commissioner
Arunachal Pradesh Information Commission
Itanagar

Memo No.APIC-1109/2023/119

Dated, Itanagar the 31 May, 2024

Copy to:

1. The Director (Land Management), Govt. of A.P. o/o Directorate of Land Management Department, Itanagar, Arunachal Pradesh, PIN-791111 for information and necessary action please.
2. The FAA-cum-Deputy Commissioner, Govt. of A.P. Anini, Dibang Valley District, Arunachal Pradesh, PIN-792101 for information and necessary action please.
3. Computer Programmer, APIC, Itanagar, to upload in APIC Website & send mail to all the parties.
4. Case file.



Registrar/ Dy. Registrar
Arunachal Pradesh Information Commission
Itanagar

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar