



सूचना का
अधिकार
RIGHT TO
INFORMATION

ARUNACHAL PRADESH INFORMATION COMMISSION (APIC)
ITANAGAR

.....
(Before the Hon'ble Information Commissioner Mr. Dani Gamboo)

AN APPEAL UNDER SECTION 19 (3) OF RTI ACT, 2005.

APIC-No.623/2023(Appeal)

Shri Shoney Pertin & Ors
Pasighat Ward no. 4
PO/PS: Pasighat East Siang
District A.P Pin: 791102.
(M) 8974216125/9402788327.

Appellant

Versus

1. PIO cum CEO
Pasighat Smart City Development
Corporation Ltd. (PSCDCL)
East Siang District A.P.
Pin: 791102.

Respondents

2. The FAA cum DC
Pasighat East Siang
District A.P.
Pin Code 791102.

Date 16.8.2024

JUDGEMENT / ORDER

This is an appeal filed under sub-section (3) of the Section 19 of the RTI Act, 2005. Brief fact of the case is that the appellant Shri Shoney Pertin & Ors on 27.04.2023 filed an RTI application in Form-A to the PIO cum CEO Pasighat Smart City Development Corporation Ltd. (PSCDCL), East Siang District A.P, whereby, seeking various information as quoted in Form-A application.

Appellant being not received information from the PIO, filed the First Appeal before the First Appellate Authority cum DC, Pasighat, East Siang District A.P on 16.06.2023.

Appellant again having not received the required information and decision from FAA, filed the Second Appeal before the Arunachal Pradesh Information Commission on 07.07.2023. The appellant has not attached any order of decision or response from the FAA.

The Registry of the Commission (APIC), on receipt of the appeal, registered it as APIC-No.623/2023 (Appeal) and processed the same for its hearing and disposal.

Accordingly, this matter came up for hearing before the Commission Court today on 16.08.2024. Notice of hearing dated 28.06.2024 were served to FAA, PIO and the Appellant.

In this hearing of the appeal on 16.08.2024 the respondents PIO CEO Pasighat Smart City Development Corporation Ltd. (PSCDCL), East Siang District A.P, & FAA cum DC, Pasighat, East Siang District AP is absent. However, the representative of PIO Shri S. Deb (Adv) appeared through online Webex. The appellant Shri Shoney Pertin & ors did not appear.

The appellant has submitted a letter dated 16.08.2024 stating that due to health issues he could not attend the commission for hearing today.

Heard the PIO's representative.

The representative PIO Shri S. Deb (Adv) states that the particular name of road mentioned in RTI application form A: RCC road construction at Pasighat township under Smart City Mission is a segment / a particular item of full smart city project for which consolidated tender agreement has been drawn. Tender document for this particular item / segment cannot be furnished separately.

On perusal of the case file, it is observed that no action on record taken by the FAA on the first appeal filed to him by the appellant.

This inaction of statutory procedure by the FAA is negligence to implementation of provisions of RTI Act 2005 which was enacted to promote transparency and accountability in the working of every public authority and also to contain corruption and to hold governments and their instrumentalities accountable to the governed.

On the basis of Arunachal Pradesh Right to Information (Appeal Procedure) Rule 2005 and ... *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 commission observes that under section 19(1) of the RTI Act, 2005, for the principle of natural justice, it is mandatory for the FAA to summon the appellant and PIO, give fair opportunity of being heard and pass speaking order on merit. Since, it is not done, the case is pre-mature to be considered as an appeal under section 19(3) of the RTI Act, 2005.

Therefore, the First Appellate Authority (FAA) - DC Pasighat East Siang District AP 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. Hence, this appeal is remanded to the First Appellate Authority (FAA).

In view of the above facts and circumstances I find this appeal is fit to be disposed of and closed at commission with giving liberty to the appellant to file appeal afresh if aggrieved by the decision of the FAA. And, accordingly, this appeal stands disposed of and closed once for all.

Judgement / Order pronounced in the Open Court of this Commission today this 16th day of August' 2024. Each copy of the Judgement / Order be furnished to the parties.


Given under my hand and seal of this Commission / Court on this 16th day of August' 2024.

Sd/-
(Dani Gamboo)
State Information Commissioner
APIC, Itanagar

Memo No.APIC-623/2023/258
Copy to:

Dated Itanagar the 20 August' 2024.

1. The FAA cum DC East Siang Pasighat East Siang District A.P. 791102.
2. The PIO cum CEO Pasighat Smart City Development Corporation Ltd. East Siang District A.P. 791102.
3. Shri Shoney Pertin & ORS Pasighat Ward no. 4 PO/PS: Pasighat East Siang District A.P Pin: 791102. (M) 8974216125/9402788327.
4. Computer Programmer Itanagar APIC to upload in APIC website and mailed to concerned department email.
5. Office copy.


Registrar / Deputy Registrar
APIC, Itanagar
Deputy Registrar
[3] Arunachal Pradesh Information Commission
Itanagar