



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. 914/2023(Appeal)

Shri Pauwang Wangsa
Zibo Colony, Longding Town
Longding District A.P.
Pin: 792131
(M) 8732820849

Appellant

Versus

1. The PIO cum Project Officer, APEDA
Longding Town
Longding District A.P.
Pin: 792131

Respondents

2. The Director APEDA cum FAA
Niti Vihar, Itanagar
P/Pare District A.P.
Pin: 791111

Date 28.06.2024

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 Pauwang Wangsa on 07.06.2023 filed an RTI application in Form-A to the PIO cum PD APEDA Longding Town Longding District AP, 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 Director APEDA GoAP Itanagar on 27.07.2023.

Appellant again having not received the required information and decision from FAA, filed the Second Appeal before the Arunachal Pradesh Information Commission on 12.09.2023. 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.914/2023 (Appeal) and processed the same for its hearing and disposal.

Accordingly, this matter came up for hearing before the Commission Court today on 28.06.2024. Notice of hearing dated 28.05.2024 were served to FAA, PIO and the Appellant.

In this hearing of the appeal on 28.06.2024 the respondents PIO cum PO APEDA Longding Town Loding District AP & FAA cum Director APEDA, Niti Vihar, Itanagar GoAP Itanagar Papumpare District AP is absent. However, the representative of PIO & FAA Shri Tato Mara PO (I/c) APEDA is present with authorisation letter from Director APEDA. The appellant Shri Pauwang Wangsa appeared.

Heard the parties.

The appellant states that neither the information document has been furnished to him by the PIO nor FAA has heard his appeal to dispose of the case at his / her level. So, he filed 2nd appeal to the Arunachal Pradesh Information Commission and prayed for necessary action as deemed fit.

The representative of PIO has come with some information documents. Both parties agreed to be formally heard by the FAA for disposal of the appeal.

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

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) and Director APEDA, Niti Vihar, Itanagar GoAP Itanagar Papumpare 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 two weeks from the date of receipt of this order. Hence, this appeal is remanded to the First Appellate Authority (FAA), the Director APEDA.

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 28th day of June 2024. Each copy of the Judgement / Order be furnished to the parties.

Given under my hand and seal of this Commission / Court on this 28th day of June' 2024.

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

Memo No.APIC-914/2023/ 160

Dated Itanagar the ... July' 2024.

Copy to:

1. The FAA cum Director APEDA , Niti Vihar, Itanagar P/Pare District A.P Pin: 791111.
2. The PIO cum Project Director, APEDA Longding Town, Longding District A.P Pin: 792131
3. Shri Pauwang Wangsa, Zibo Colony, Longding Town, Longding District A.P. Pin: 792131 (M) 8732820849

4. Computer Programmer, Itanagar, APIC to upload in APIC website and mailed to concerned department email.

5. Office copy.

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