



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.981/2023(Appeal)

Shri Taba Tokur (Advocate)
C/o Library Gauhati High Court
Itanagar Permanent Bench
Yupia, P.O/P.S Yupia
PapumPare District, Yupia A.P.
Pin: 791110
(M) 9612561484

Appellant

Versus

1. Shri Bittu Kri, APCS
MD cum PIO Arunachal Pradesh State
Co-operative Apex Bank Ltd.
H.O :Naharlagun, ICR A.P
Pin: 791110.

Respondents

2. Shri Komkar Dulom APCS
Administrator cum FAA AP State Co-op
Apex Bank Ltd.
H.O: Naharlagun Papum Pare District
Govt. of A.P. Pin: 791110.

Date of hearing: 24.05.2024

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 Adv. Taba Tokur on 23.06.2023 filed an RTI application in Form-A to the PIO, Arunachal Pradesh State Co-Operative Apex Bank Ltd. Naharlagun, whereby, seeking various information as quoted in Form-A application.

Appellant being not received full information from the PIO, filed the First Appeal before the First Appellate Authority on 14.08.2023.

Appellant again having not received the required full information and decision from FAA, filed the Second Appeal before the Arunachal Pradesh Information Commission on 09.10.2023. The appellant has not attached any order of decision or response from the FAA against which appeal is preferred.

The Registry of the Commission (APIC), on receipt of the appeal, registered it as APIC-No. 981/2023 and processed the same for its hearing and disposal.

Accordingly, this matter came up for hearing before the Commission Court today on 24.05.2024. Notice of hearing dated 01.05.2024 were served to FAA, PIO and the Appellant.

In this hearing of the appeal on 24.05.2024 the respondents FAA & PIO of Arunachal Pradesh State Co-operative Apex Bank Ltd. H.O: Naharlagun, ICR Arunachal Pradesh represented by Shri KK Sharma SDA (GA) Adv. Minter Karbak, Asst. Legal Counsel. Appellant Adv. Taba Tokur appeared.

Heard the parties present.

The appellant states that neither full information document has been furnished to him by the PIO nor FAA has heard his appeal to dispose off the case at his / her level. So, he filed 2nd appeal to the Arunachal Pradesh Information Commission and prayed for necessary action. The appellant also submits a written statement about only partial information furnished to substantiate his claim.

The representative of the FAA could not substantiate of any action taken on the appeal file by First Appellate Authority.

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.

On perusal of the case file, it is observed that there is no action on record taken by the FAA on the first appeal filed by the appellant. The PIO has furnished some information to the applicant dated 18.09.2023 which is stated to be not full and satisfactory by the applicant.

Therefore, the First Appellate Authority (FAA) and the Administrator, AP State Co-op Apex Bank Ltd. Shri Komkar Dulom, 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), the Administrator AP State Co-op Apex Bank Ltd., Naharlagun.

In view of the above facts and circumstances I find this appeal is fit to be disposed of and closed at commission with 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 24th day of May 2024. Each copy of the Judgement / Order be furnished to the parties.

Given under my hand and seal of this Commission / Court on this 24th day of May' 2024.

Sd/-
(DaniGamboo)
State Information Commissioner
APIC, Itanagar

Memo No.APIC-981/2023/1630
Copy to:

Dated Itanagar the. 24. May' 2024.

1. Shri Komkar Dulom Administrator cum FAA Arunachal Pradesh State Co-operative Apex BankLtd. H.O: Naharlagun, Arunachal Pradesh Pin: 791110.
2. Shri Bittu Kri, APCS MD cum PIO Arunachal Pradesh State Co-operative Apex Bank Ltd. H.O: Naharlagun, ICR A.P Pin: 791110.
3. Shri Taba Tokur (Advocate) C/o Library Gauhati High Court, Itanagar Permanent Bench, Yupia, P.O/P.S Yupia PapumPare District, Yupia A.P. Pin: 791110 (M) 9612561484
4. Computer Programmer APIC, Itanagar to upload in APIC website and mail to all concerned in their departmental email id.
5. Office copy.

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