



ARUNACHAL PRADESH INFORMATION COMMISSION (APIC)
ITANAGAR

.....
F No. APIC-No.1148/2023(Appeal)

Shri Tania June

C/o Post Office Naharlagun
Papumpare District A.P
Pin: 791110.
(M) 8131848230

Appellant

Versus

**PIO,
O/o CE (EZ), PWD Namsai**

Namsai District Govt.
of AP. Pin: 792103.

Respondents

**FAA,
CE (EZ) PWD Namsai**

Namsai District Govt.
of AP. Pin: 792103.

Date of Hearing: 19.09.2024

Date of Decision: 19.09.2024

INFORMATION COMMISSIONER : Dani Gamboo

Relevant facts emerging from appeal:

RTI application filed on : 19.08.2023
SPIO replied on : Not on record
First appeal filed on : 19.10.2023
First Appellate Authority's Order : Not on record
Second Appeal filed on : 06.12.2023

Information sought:

Regarding expenditure and implementation of under non-plan fund/maintenance work etc/repairing work/ road and bridge of entire district.

1. Administrative approval and sanction order copies.
2. Furnish NIT copies
3. Work order copies
4. Photograph & GIO tag copies
5. First and final bill copies

6. DBT/PFMS xerox copy and detail list of name copies
7. GST & return fill copies
8. Money receipt copy and cheque receipt copies
9. Trading licence and proprietor details name list copies
10. Copy of NOC from Forest department
11. Work progress report
12. Site inspection copies
13. Utilization certificate copies
14. Detail name list of EE/AE/JE
15. DPR copies
16. Advertisement & local newspaper copies
17. Department and contractor agreement copy
18. Payment detail name list copy
19. Tender participate details copies
20. Land donated copies
21. Sketch map copies
22. Firm registration certificate copies
23. Firm work express certificate copies

Period: from 2014 to till date

Relevant facts emerged during hearing:

The following were present: -

Appellant : Absent.
Submitted an application informing about his inability to attend today's hearing

Respondent PIO : Present

FAA : Represented by Shri Minjum Padu, SE through VC.

Statement of Appellant : -----

Statement of PIO : States that information has been sent to the applicant dated 20.9.2023 by post. The applicant has received the same on 30.9.2023. He has produced copy of information furnishing letter and post office delivery trekking record.

Statement FAA : Representative of the FAA states that a letter has been written to appellant on 3.11.2023 informing about the status of information said to be furnished

to him by the PIO. The same letter was produced in the commission court by the PIO present today.

Decision:

The Commission after adverting to the facts and circumstances of the case, hearing the parties and perusal of the records, observes that FAA has not disposed of the first appeal filed to him following due statutory procedure laid down in the Arunachal Pradesh Right to Information (Appeal Procedure) Rules, 2005. In the absence of appellant it cannot be ascertain as to whether the information furnished to him is in full shape or not. So, this appeal case is decided and determined ex-parte.

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 instant appeal case is remanded to First Appellate Authority. Therefore, the FAA – Chief Engineer PWD (E/Z) Namsai, 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.

The appeal is disposed of accordingly at Commission.

**Sd/-
Dani Gamboo
Information Commissioner**

Authenticated true copy


Deputy Registrar
Arunachal Pradesh Information Commission
APIC Itanagar

Date:

Memo No. APIC-1148/2024/ 333

Dated Itanagar the 2nd Sept, 2024.

Copy to:

1. Computer Programmer Itanagar APIC to upload in APIC website and mailed to concerned department email.
2. Office copy.

Registrar / Dy. Registrar
APIC, Itanagar