



सूचना का
अधिकार
RIGHT TO
INFORMATION

ARUNACHAL PRADESH INFORMATION COMMISSION (APIC)
ITANAGAR

File No. APIC-No.1032/2023 (Appeal)

Shri Lebe Lamnio

Polo Colony Naharlagun
PO:PS Naharlagun
Papumpare District A.P
(M) 7629824612.
Pin: 791110.

Appellant

Versus

PIO,

Jt. Director (Planning & Investment)

Civil Sectt. Itanagar Papumpare
District Govt. of AP. Itanagar
Pin: 791111.

Respondents

FAA,

Secretary (Planning & Investment)

Civil Sectt. Itanagar Papumpare
District Govt. of AP. Itanagar
Pin: 791111.

Date of Hearing: 23.09.2024

Date of Decision: 23.09.2024

INFORMATION COMMISSIONER : Dani Gamboo

Relevant facts emerging from appeal:

RTI application filed on : 31.07.2023
SPIO replied on : 29.08.2023
First appeal filed on : 26.09.2023
First Appellate Authority's Order : Not on record
Second Appeal filed on : 08.11.2023

Information sought:

The appellant filed an RTI application dated 31.07.2023 seeking following information.

Regarding approved projects of Govt. of AP. Year 2017 to 2022.

1. Furnish the copy approval of project under state infrastructure development fund from 2017 to 2022. State of Arunachal Pradesh.
2. Furnish the copy approval of project under Border area development programme fund from 2017 to 2022.
3. Furnish the copy approval of project under Gram Panchayat development programme plan (GPDP) fund from 2017 to 2022.
4. Revision estimates fund approval project from 2017 to 2022.

Relevant facts emerged during hearing:

The following were present.

Appellant : Absent
Respondent PIO : Absent
Respondent FAA : Absent

Statement of Appellant : Not available

Statement of PIO : Submitted a written statement vide letter no. PD(P)RTI-05/2023-24/283 Dated 10 Sept'2024.

Statement of FAA : Not available.

Decision:

The Commission after adverting to the facts and circumstances of the case, perusal of the records, observes that FAA has not disposed of the first appeal filed to him by following statutory procedure laid down in Arunachal Pradesh Right to Information (Appeal Procedure) Rules, 2005. So, this appeal case is decided and determined in the absence of parties as notified in the hearing notice.

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 (FAA). Therefore, the FAA – Secretary (Planning & Investment), Govt. of Arunachal Pradesh Itanagar, following the principle of natural justice, shall conduct hearing giving fair and equal opportunity to both the appellant and the PIO. Thereafter pass reasoned and speaking order on merit within three weeks from the date of receipt of this order. Liberty is given to the appellant to file second appeal afresh if not satisfied with the decision of the FAA / the PIO has not implemented the order of the FAA. In such case the fee for second appeal afresh shall be exempted.

The appeal is disposed of accordingly at Commission.

**Sd/-
Dani Gamboo
Information Commissioner**

Authenticated true copy

Registrar / Dy. Registrar, APIC
Date: 


Memo No. APIC-1032/2023/ 380

Dated Itanagar the 21st Sept, 2024.

Copy to:

1. The Computer Programmer, APIC Itanagar with request to upload in APIC website and mail to concerned departmental email id.
2. Office copy.

Registrar / Dy. Registrar
APIC Itanagar