



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. 1018/2023(Appeal)

Shri Mamu Sonu  
Sood Village Naharlagun  
Papumpare District A.P.  
Pin: 791110  
(M) 9436215521

Appellant

Versus

1. The PIO cum EE IMC Part- I  
Chimpu Itanagar  
Papumpare District A.P.  
Pin: 791111

Respondents

2. The FAA cum Commissioner  
IMC, Chimpu Itanagar  
Papum Pare District A.P.  
Pin: 791111

Date: 19.08.2024

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 Mamo Sonu on 23.08.2023 filed an RTI application in Form-A to the PIO cum EE, IMC Part-1, Chimpu, Itanagar Papumpare 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 Commissioner, IMC, Chimpu, Itanagar on 25.09.2023.

Appellant again having not received the required information and decision from FAA, filed the Second Appeal before the Arunachal Pradesh information Commission on 30.10.2023.

The Registry of the Commission (APIC), on receipt of the appeal, registered it as APIC-No.1018/2023 (Appeal) and processed the same for its hearing and disposal.

Accordingly, this matter came up for hearing before the Commission Court today on 19.08.2024. 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 cum EE, IMC Part-1, Chimpu, Itanagar Papumpare District A.P and FAA cum Commissioner, IMC, Chimpu, Itanagar both are absent. The appellant Shri Mamu Sonu also did not appear.

On perusal of the case file, it is seen that FAA has simply forwarded the appeal to the Executive Engineer (Part I) & Executive Engineer (Part II) IMC Itanagar. But no statutory procedural action on record taken by the FAA on the first appeal filed by the appellant to dispose of it.

This inaction of the FAA is violation to implementation of provisions of RTI Act 2005 as per statutory procedure 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 21<sup>st</sup> 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.

In the absence of the Appellant, FAA and PIO in today's hearing the second appeal to commission is determined and decision taken ex parte.

Therefore, the First Appellate Authority (FAA) – Commissioner IMC, Itanagar 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 19<sup>th</sup> 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 19<sup>th</sup> day of August' 2024.

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

Memo No.APIC-1018/2023/260

Dated Itanagar the 19<sup>th</sup> August 2024.

Copy to:

1. The FAA cum Commissioner IMC, Chimpu Itanagar PapumPare District A.P Pin: 791111
2. The PIO cum EE IMC Part- I Chimpu Itanagar Papumpare District A.P Pin: 791001.
3. Shri Mamu Sonu, Sood Village, Naharlagun Papumpare District A.P. Pin: 791110 (M) 9436215521
4. Computer Programmer, Itanagar, APIC to upload in APIC website and mailed to concerned department email.
5. Office copy

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