



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. 1051/2023(Appeal)

Shri Ninya Angu  
C/o Talem Nyitan, GTC, Pasighat  
Near Footbal ground, A.P  
East Siang District  
Pin: 791102  
(M) 9862686160

Appellant

Versus

1.The PIO cum SE (CSQ) PWD  
O/o the Chief Engineer (CSQ)  
Itanagar P/Pare Distt. A.P.  
Pin: 791111

Respondents

2. The FAA cum CE (CSQ) PWD  
Office of PWD (CSQ)  
Itanagar P/Pare distt. 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 Ninya Angu on 03.07.2023 filed an RTI application in Form-A to the PIO cum SE (CSQ) PWD O/o the Chief Engineer (CSQ) Itanagar Papum Pare District AP, whereby, seeking various information as quoted in Form-A application.

Appellant being denied the disclosure of information by the PIO, filed the First Appeal before the First Appellate Authority cum CE (CSQ) PWD Office of PWD (CSQ) Govt. of AP Itanagar on 25.07.2023.

Appellant again having not received the required information with the order of decision from FAA, filed the Second Appeal before the Arunachal Pradesh

information Commission on 15.11.2023. The appellant has attached the response from PIO and order from the FAA.

The Registry of the Commission (APIC), on receipt of the appeal, registered it as APIC-No.1051/2023 (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 Shri Rimmar Tasso appeared through "WEBEX MEETING APP" audio call. The appellant Shri Ninya Angu appeared. The FAA cum CE (CSQ) PWD Itanagar did not appear. However, the FAA is represented by Shri Rimmar Tasso SE PWD (CSQ) Itanagar.

Heard the parties present.

The appellant states:

- That information sought by him is denied by the PIO citing the information sought falls under the domain of Third Party.
- The FAA has heard the appeal but not decided for providing or denial of the information. Instead, the FAA has to wait decision and direction from the commission.
- So, this appeal to AP state Information Commission to seek redressal.

The PIO states that:

- Written notice was served to the concerned Third Party of the request but the Third Party has filed written submission not to disclose the information. So, the disclosure of the information is denied.
- Toge Rina owner of the firm M/s Ngarsi Torio Enterprise which is registered under Class III (Civil) Category Contractor enlistment.

After hearing the parties pursued the case file records it is found that PIO replied to the applicant with following statement:

On 05.07.2023

*I(a) Toge Rina owner of firm M/s Ngarsee Torio Enterprise, is registered under class III (Civil) Category based on his credential submitted during registration.*

*I(b) the information sought by you are purely related to documents submitted to this office by third party and disclosure of the same needs consent from third party concern under section 11 (2) or RTI Act, 2005 &*

*the same can be conveyed only after getting consent from the third party concerned.*

*I. (c). You may go through the website [www.arunachalpwd.org](http://www.arunachalpwd.org)*

*II. As above under (I)*

*III. As above under (I)*

*IV. Will be communicated appropriately as and when needed.*

On 24.07.2023

*With reference to your RTI application in form 'A' vide No. Nil dated 03/07/2023 and in continuation to this office letter No. CEAF (CSQ)/PIO-3/2021-22/15 Dated 13/07/2023 seeking information about M/s Ngarsee Torio Enterprise, Enlistment No:-CEAF(CSQ)W-48/2018-2019/III/271, dated 28<sup>th</sup> May, 2018 registered under class-III(civil) category. I am to inform you that the third has not consented regarding sharing of the third party information to RTI applicant of under I (b) till date.*

*Therefore, this office is unable to furnish the information without consent from the third party.*

The FAA has heard the appellant and the PIO on 28.09.2023 and his decision is as follows:

*The applicant during the course of the hearing, apprised FAA that a second appeal, under sub-section 3 of section 19 of the RTI Act, 2005, in relation to the same matter has been filed with the State Information Commission which is currently pending.*

*Considering the above circumstances, the FAA deems it appropriate withhold the final verdict in this matter due to the second appeal that is pending before the State Information Commission.*

*Given the pending nature of the second appeal and the principles of fairness and natural justice, it is deemed prudent to await the final adjudication of the matter by the State information commission.*

*The applicant and the respondent the Public Information Officer, Office of the Chief Engineer, CSQ, PWD, AP Itanagar, shall await the orders of the State RTI Commission on the second appeal of the appellant, Shri Angu, before taking any further action on the matter.*

*Accordingly, the first appeal stands closed.*

It is observed by the commission that following items of information was sought by the applicant in form – A:

*I. Kindly furnish the following point under RTI Act, 2005.*

- a. *Under what credential Toge Rina owner of firm M/s Ngarsee Torio Enterprises, Enlistment No & Date. No. CEAF (CSQ) W-48/2018-2019/III/271 dated 28<sup>th</sup> May, 2018 register under class III(civil) category?*
  - b. *True certify copies of all supporting document for Enlistment under class III (civil) category produced by him.*
  - c. *Kindly provide contractor Enlistment guideline.*
- II. *If this does not pertain to, or is not available with, your department, kindly transfer to the appropriate Authority Under Section 6 (3) of the aforementioned Right to Information Act.*
  - III. *Kindly note, all the information described at paragraph no. (II) above is in the nature of information that is requires to be disclosed by Government suo moto under section 4 (1) read with section 4 (2) of the RTI Act. As i have not been able to find this information on your official website, i am submitting this formal request.*
  - IV. *I am a citizen of India. Please enclosed Rs. 10 (Rupees Ten only) in form of IPO vide No. 59F389783 dated 03/07/2023, towards payment of prescribed application fee. Please send the information described at paragraph no. (II) above by post to my postal address described below. Please inform of the additional fee payable for obtaining the information described at paragraph no. (II) above.*

The commission, after going through the records and submission of both the parties it is found that:-

The information sought under 6(1) in RTI application is not specific and elaborated. The items of credential submitted by Toge Rina owner of M/s Ngarsee Torio Enterprise is not known. There could be check list of credentials for enlistment of contractor. Such check list would be available with the contractor enlistment authority i.e. CE (CSQ), PWD AP cum FAA.

Other information sought by the appellant as per his RTI application form has been addressed by the PIO.

Under section 6(1) of the RTI Act, 2005 the information seeker has to specify the particulars of the information sought by him or her.

As such it is not possible to determine at commission as to whether the item of information sought falls under Third Party domain and whether disclosure of it attract section 11 of the RTI Act. or not.

*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.*

Therefore, the First Appellate Authority (FAA) and CE (CSQ) PWD 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 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 liberty to the appellant to file appeal afresh if aggrieved by the decision of the FAA. Fee for any such appeal afresh is exempted. And, accordingly, this appeal stands disposed of and closed once for all.

Judgement / Order pronounced in the Open Court of this Commission today this 28<sup>th</sup> 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 28<sup>th</sup> day of June' 2024.

Sd/-

(Dani Gamboo)

State Information Commissioner  
APIC, Itanagar

Memo No.APIC-1051/2023/ 159

Dated Itanagar the... 3 July' 2024.

Copy to:

1. The FAA cum CE (CSQ) PWD Office of PWD (CSQ) Itanagar P/Pare Distt. A.P. Pin: 791111
2. The PIO cum SE (CSQ) PWD O/o the Chief Engineer (CSQ) Itanagar P/Pare Distt. A.P. Pin: 791111
3. Shri Ninya Angu C/o Talem Nyitan, GTC, Pasighat Near Football ground, A.P East Siang District Pin: 791102 (M) 9862686160
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