



**ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR**

**BEFORE THE FULL BENCH COURT OF STATE INFORMATION
COMMISSIONERS**

No.APIC-1020/2023

Dated, Itanagar the 16th May, 2024

Appeal Under Section 19(3) RTI Act, 2005

Appellant: Shri Bengia Tani, G-Sector, Ward No.16, Po/Ps- Naharlagun, Papum Pare District, Arunachal Pradesh, PIN-791110, (M) 8732065069.

Vs

Respondent: Shri Doge Basar, The PIO -cum- Addl. DCF, Govt. of A.P. Koloriang Division, Kurung Kumey District, Arunachal Pradesh, PIN-791118.

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 filed by Shri Bengia Tani, G-Sector, Ward No.16, Po/Ps- Naharlagun, Papum Pare District, Arunachal Pradesh, for non-furnishing of information by the PIO-cum- DFO, , Govt. of A.P. Koloriang Division, Kurung Kumey District, Arunachal Pradesh, as sought by the Appellant under section 6(1) of RTI Act, 2005 vide Form-A Dated 04/08/2023 regarding **All the works executed under Divisional Forest Office Koloriang (A.P) 2019-2023.**

The 1st hearing is held today on 16th May, 2024 as scheduled. Shri Doge Basar, the PIO -cum- Addl. DCF, Govt. of A.P. Koloriang Division, Kurung Kumey District, Arunachal Pradesh and the Appellant Shri Bengia Tani are present. The PIO submitted that he has joined the present place of posting recently in the month of January, 2024 and he has no record of Form-A submitted by the information seeker. He has come to the court on receipt of the summon notice from the commission. The Appellant has submitted to the Commission that he will furnish a copy of his Form-A Dated 04/08/2023 once again to the PIO.

However, on perusal of the records it is observed that the First Appellate Authority (FAA) has conducted hearing. The Appellant was present and the PIO was absent in the FAA's hearing. The FAA decided exparte in absence of the PIO directing the PIO to furnish information within 15 days from the date of issue of the order i.e. before the 25th September, 2023 as sought by the Appellant as those information does not fall under the exemption section 8(1)(d) of the RTI Act 2005. The PIO has not complied with the direction of the FAA.

The Commission observes that the information sought are of multiple schemes for period from 2019 onwards, which is very voluminous to be furnished by the PIO within thirty days. The Commission asked the Appellant to seek information for one specific work of one financial year. The Appellant agreed to seek information for one work i.e. for creation of **CA plantation for the financial year 2022-23.**

The PIO has submitted that he is not aware of whether information for the above is available in his office or not, as he has been informed that documents of those schemes were seized by SIC in the year 2022-23.

After hearing the submissions of both the parties the Commission directed the PIO to furnish all the available information as directed by the FAA and in case documents are seized by the SIC the PIO is required to produce seizure list with date and time under the seal and signature of the SIC authority. The PIO is directed to furnish information in AFFIDAVIT duly signed before the Judicial Magistrate or Notary Public if information are not available or seized by the SIC. Failing which the commission shall be compelled to initiate penal action under section 20(1) of the RTI Act against the PIO. The court is adjourned for the next date of hearing.

Both the parties are directed to be present in persons on the next date of hearing. In case PIO remains absent the penal provision under section 20(1) of the RTI Act shall be imposed and in case of the Appellant remains absent the case shall be disposed of without any further notice presuming that the Appellant have received the information and is satisfied with the same.

The next date of hearing is fixed on 30th July, 2024 (Tuesday) at 1030 hrs.

Therefore, the PIO-cum- DFO , Govt. of A.P. Koloriang Division, Kurung Kumey District, Arunachal Pradesh, is hereby summoned to appear before this Court in person on the scheduled date and time without fail.

N.B: - PIO and Appellant can avail online mode of hearing by downloading “Webex App” from Google Play store. May contact **Shri Himanshu Verma** at **Mob:- 8878891768** for technical assistance.

Order copies be issued to all the parties.

Sd/-

(Rinchen Dorjee)

State Chief Information Commissioner
Arunachal Pradesh Information Commission

Itanagar

Dated, Itanagar the 21 May, 2024

Memo No. APIC-1020/2023/16

Copy to:

1. Computer Programmer, APIC, Itanagar, to upload in APIC Website & send mail to all the parties.
2. Case file.



Registrar /Dy. Registrar
Arunachal Pradesh Information Commission

Itanagar

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar