



ARUNACHAL PRADESH INFORMATION COMMISSION (APIC)  
ITANAGAR

File No.APIC-No.949/2023(Appeal)

**Shri Tongam Jomoh &  
Shri Migom H Borang**

Opposite Head Post Office  
Nino apartment Bank Tinali Itanagar A.P  
Pin: 791111. (M) 9436868307 / 7005258322

**Appellant**

Versus

**PIO,  
Dy. Commissioner Tax Excise &  
Narcotics Dept.**

Govt. of Arunachal Pradesh  
Itanagar - 791111  
Arunachal Pradesh

**Respondent**

Date of Hearing: 14.10.2024  
Date of Decision: 14.10.2024

**INFORMATION COMMISSIONER** : Dani Gamboo

**Relevant facts emerging from appeal:**

The following were present: -

RTI application filed on	:	23.06.2023
SPIO replied on	:	21.07.2023
First appeal filed on	:	24.07.2023
First Appellate Authority's Order	:	Not on record
Second Appeal filed on	:	03.10.2023

**Information sought:**

In reference to the RTI reply bearing letter No. Ex-802/2022-23/RTI (pt-I)/609 dated 19.06.2023(enclosed annexure-I) where the PIO stated that in reply sl.No.3. however, the licence as stated at sl. No. II above have been issued as per the prerogative of the higher authorities/State Government.

1. Name and designation of all the higher authorities (as mentioned in the RTI) with the copy of such orders, who have special power to issue retail/ wholesale/ bonded liquor licence without having to abide official suspending/banning orders such as memo no. Ex-351/92/2021/477, dated 30.11.2021. (enclosed annexure-II)
2. Does your Department (Tax & Ex.) work under Laws enshrined by the Indian constitution or by a politician who supersedes Govt. orders notifications such as the memo no. Ex-351/92/2021/477, dated 30.11.2021. (kindly be specify in your reply)
3. Can applicant (enclosed annexure-III) be issued wholesale liquor licence even during the suspending/banning orders vide memo no. Ex-351/92/2021/477, dated 30.11.2021, by politician after forwarding an application by writing/using the term/ sentence/words used such as "pl process/recommend to the commissioner (Tax & Ex.) as a special case" (enclosed annexure-III), become a legally valid order and ground to issue liquor licence?
4. Does your department have a copy the Government order (if any) wherein politician may use the words as "pl process/recommend to the commissioner (Tax & Ex.) as a special case" to process issue liquor files and liquor licence?
5. Is it officially legal for your department to process applications for liquor licence forwarded by a legislature (MLA) when suspending/banning order is in place?
6. Mention the name and designation of the person who has forwarded the application along with the dates on which it was initialized as marked in Annexure-III.

Period from 2021 to 2023.

### Relevant facts emerged during hearing.

#### Previous Hearings :

First : 24.05.2024, the PIO absent & Appellant present.  
 Second : 09.08.2024, the PIO present & Appellant present.

In Second hearing ordered as: *"The commission has directed the Appellant to submit a copy of the aforesaid first RTI application in form A and a copy of RTI reply letter no. Ex-802/2022-23/RTI (pt-)/609 dated 19.06.2023 to this commission court."*

The following were present.

**Appellant** : Absent. Submitted written application.  
**Respondent PIO** : Present.

Statement of Appellant : ----

Statement of PIO : Relevant information already furnished.

**Decision:**

The Commission after adverting to the facts and circumstances of the case, hearing and perusal of the records, observes that the appellant has not submitted a copy of RTI application in form - A against which he got the reply *letter no. Ex-802/2022-23/RTI (pt-)/609 dated 19.06.2023*. The instant appeal is query over the said RTI reply instead of appeal against the decision and information furnished by the PIO. The appellant is directed to submit a copy of the RTI application in form -A against which he got the reply *letter no. Ex-802/2022-23/RTI (pt-)/609 dated 19.06.2023*.

Hearing adjourned. Next date of hearing shall be fixed on receipt of compliance report on this order from the Appellant.

**Sd/-  
Dani Gamboo  
Information Commissioner**

Authenticated true copy

Registrar / Dy. Registrar, APIC

Date:

Memo No. APIC-949/2023/ 259

Dated Itanagar the 15<sup>th</sup> Oct.' 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

District Registrar  
Arundhati Prasad, Information Commissioner  
Itanagar.