



**ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC)  
ITANAGAR.**

**Complaint Case U/S 18 (1) of RTI Act, 2005  
Case No. APIC- 06/2024.**

**(Summon to appear in person)  
(Or.5, R.3 of CPC)**

Shri Bengia Jayanta, Huto Village Near Old Shiv Mandir,  
PO/PS- Doimukh, Papum Pare District (A.P)

**: APPELLANT**

**Vs**

The PIO, o/o Director, Panchayati Raj, Govt. of A.P,  
Itanagar (A.P)

**: RESPONDENT**

**ORDER /SUMMONS**

This is a Complaint under Section 18(1) of RTI Act, 2005 received from Shri Bengia Jayanta for denial of information by the PIO, o/o Director, (Panchayati Raj), Govt. of A.P Itanagar, A.P as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 27.09.2024.

**Brief facts:**

The brief facts emerging from the complaint memo dt.04.10.2024 filed by the complainant are that he went to the o/o the PIO, the Directorate of Panchayat Raj, Govt. of A.P, Itanagar to submit his RTI application dt.27.09.2024 but the PIO, Shri Nabam Rajesh, Dy. Director was outside the office for some meeting and therefore he met the APIO, Shri T.Kopak, Asstt. Director whom he submitted his application. However, the APIO, through a written response, refused to accept the application saying that since the PIO is in the station, though not in the Office, he is unable to receive the application without the consent of the PIO. Hence, this complaint against the APIO under section 18 (1) of the RTI Act, 2005.

**Hearing and decision:**

This complaint is, accordingly, listed for hearing today on 29.11.2024 wherein both the complainant, Shri Bengia Jayanta and the PIO, o/o the Directorate of Panchayat Raj, Govt. of A.P, Itanagar were present.

Heard both the parties.

The PIO, Shri Nabam Rajesh, Dy. Director submitted that the information sought by the applicant /complainant could not be furnished to him because he (PIO) has not seen received the application submitted by the applicant / complainant. The applicant / complainant in response, submitted that since his application was not received by the APIO, he has filed this complaint under section 18(1) of RTI Act for action against the APIO under the relevant provisions of the Act.

This Commission, upon hearing the complainant and on perusal of the provisions of section 18(1) (a) of the RTI Act, finds that the response/action of the said APIO in refusing the RTI application of the complainant was, indeed, in violation of the mandate cast upon a state public information officer, attracting the provisions of the said section which provides as under:-

*“18(1) Subject to the provisions of this Act, it shall be the duty of the Central Information Commission or State Information Commission, as the case may be, to receive and inquire into a complaint from any person,-*

(a) who has been unable to submit a request to a Central Public Information Officer or State Public Information Officer, as the case may be, either by reason that no such officer has been appointed under this Act, or because the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, has refused to accept his or her application for information or appeal under this Act for forwarding the same to the Central Public Information Officer or State Public Information Officer or senior officer specifies in sub-section (1) of section 19 or the Central Information Commission or State Information Commission, as the case may be;"

This Commission explained to the complainant that the implication of the provisions of the two sections viz, section 18 and section 19 of the RTI Act, 2005 are substantially different from each other providing for two different remedies in that under section 18 the Commission has no power to order for disclosure of information but only to impose penalty prescribed under section 20 of the Act while section 19 provides for remedy for access to the information. The complainant was asked as to whether he wish to proceed with the complaint under section 18 or as an appeal under section 19 for obtaining the information sought by him. The complainant replied that since his primary intention is to obtain the information he wish to have his grievance redressed as an appeal under section 19 and not as complain under section 18(1) of the RTI Act.

This Commission considered the submission of the complainant and decided to convert the complaint into appeal under section 19(3) and accordingly, directs the PIO to furnish the information sought for by the applicant/complainant vide his application dt.27.09.2024 on or before the next date of hearing on 10.01.2025 and the complainant now appellant shall submit the copy of his said application to the PIO within a week from today.

Given under my hand and seal of this Commission on his 29<sup>th</sup> day of Nov., 2024.

The appeal listed on 10.01.2025 (Friday) 2 pm.

**NOW THEREFORE**, take notice that, in default of your appearance, on the day above-mentioned, the matter will be heard and determined in your absence.

Sd/-  
(SANGYAL TSERING BAPPU)  
State Information Commissioner,  
APIC, Itanagar.

Memo No. APIC-06/2024/ 351

Dated Itanagar, the 2 December, 2024

Copy to:-

1. The Director (Panchayat Raj), Govt of A.P Itanagar for information and ensuring compliance of this order by the PIO concerned.
2. The PIO, o/o Director, (Panchayati Raj), Govt of A.P Itanagar for information & compliance.
3. Shri Shri Bengia Jayanta, Huto Village Near Old Shiv Mandir, PO/PS- Doimukh, Papum Pare District, (A.P) Mobile No. 8414096555 PIN:791112 for information.
4. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
5. Office copy.
6. S/Copy.

Registrar/ Deputy Registrar  
APIC, Itanagar

Deputy Registrar  
Arunachal Pradesh Information Commission