



ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC)
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Vide Case No. APIC- 1138/2023.

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

Shri Likha Tadam **APPELLANT**
d-Sector Near Polo Colony, P.o/P. s: Itanagar
Papum Pare District A.P Itanagar-791111

Vs

The PIO O/o the Chief Engineer, RWD **RESPONDENT.**
Govt. of Arunachal Pradesh Itanagar
PIN 791113

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Likha Tadam for non-furnishing of information by the PIO O/o the Chief Engineer, RWD Govt. of Arunachal Pradesh Itanagar. PIN. 791111 of Arunachal Pradesh. Pin :791113 as sought for by the Appellant under section 6(1) (Form-A) of RTI Act, 2005.

Date of filling of RTI application	25.04.23
PIO's response	-
Date of filing of First Appeal	01.11.2023
First Appellate Authority's response	-
Date of diarized receipt of Second Appeal by the Commission	05.12.23
Date (s) of Hearing in the Commission	14.06.2024, and 24.07.24
Date of order/decision	24.07.24

ORDER

This appeal was heard on 14.06.24 wherein Shri Taba Tokur, on behalf of the Appellant, Shri Likha Tadam and Shri Likha Tei, APIO, representing the PIO, o/o the C.E, (PMGSY), RWD, Itanagar were present.

In today's hearing on 24.07.2024, the Appellant Shri Likha Tadam and the APIO, Shri Likha Tei were present who were duly heard.

The brief facts of the case, as reveal from the records, are that the appellant, Shri Likha Tadam, D-Sector, near Postal Colony, Naharlagun, District Papum Pare filed an application dt.25.04.23 before the Public Information Officer o/o the Chief Engineer, RWD Govt. of Arunachal Pradesh, Itanagar seeking information on 4(four) points (Sl. No. (i) to (iv) regarding construction of Shally Rubdi PMGSY Road to Taib Village (6 KM), Block Ziro-II, Lower Subansiri, of which the formation cutting (FC Cutting) had already been executed.

Records disclose that the information as requested by the appellant remained unfurnished despite the Appellant's appeal to the 1st Appellate Authority, the Chief Engineer, RWD Govt. of Arunachal Pradesh, Itanagar vide Memo dt.01.11.2023. Hence this Second appeal before the Commission which was filed on 05.12.2023.

The perusal of the record's available reveals that the First Appellate Authority did not take any action on the appeal.

The First Appellate Authority, being well versed with the functioning of the department, ought to have adjudicated the appeal and passed a suitable order in speaking form stating therein the reasons for his decision. In doing so, the FAA, as the quasi-judicial authority under the RTI Act, ought to have conducted the hearing and passed a reasoned order on merit.

In the instant case, the First Appellate Authority, having not discharged its mandated duty under section 19(1) of the RTI Act, 2005, the Commission deems it appropriate to remand the appeal to the First Appellate Authority, the Chief Engineer, RWD Govt. of Arunachal Pradesh, Itanagar Govt. of Arunachal Pradesh, Itanagar for adjudication. The First Appellate Authority, while adjudicating on the appeal as quasi-judicial authority under section 19(1) of the RTI Act, shall apply his mind and go into the aspects like what kind of information was sought by the appellant in his application, whether the same was and could be provided or whether the same is exempted under the relevant provisions of section 8 of the Act and pass a speaking order giving justification for his decision.

The appeal is, accordingly, remanded to the First Appellate Authority for adjudication and passing an appropriate order within a period of 30 days from the date of receipt of this order with liberty to the appellant to prefer second appeal, if dissatisfied or aggrieved by the decision of the First Appellate Authority for which no cost need be paid.

Issue order accordingly.

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

Memo No. APIC- 1138/2023/ 108
Copy to: -

Dated Itanagar, the 26 July, 2024

1. The Chief Engineer, RWD, Govt. of Arunachal Pradesh Itanagar for necessary action.
2. The PIO, O/o the Chief Engineer, RWD Govt. of Arunachal Pradesh Itanagar. PIN. 791111 of Arunachal Pradesh. Pin :791113 for information & necessary action please.
3. Shri Likha Tadam D- Sector near postal colony, Po/Ps Itanagar, Papum Pare District A.P Itanagar PIN: 791111.
4. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
5. Shri Himanshu Verma, Computer Programmer to intimate the Appellant and PIOs for online hearing and arrangement accordingly.
6. Office copy.


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