



सत्यमेव जयते



ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC)

TANAGAR.

**An Appeal Case U/S 19(3) of RTI Act, 2005
Vide Case No. APIC- 1076/2023.**

Shri Nabam Sonu & Ors **APPELLANT**
c/o Smt. Teli Lina near Govt. Middle
School Lekhi, Naharlagun, Papum Pare Dist, (A.P)

Vs

The PIO, o/o the Executive Engineer **RESPONDENT.**
(P.H.E & W.S) Raga Division, Kamle District, A.P

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Nabam Sonu for non-furnishing of information by the APIO, o/o the Executive Engineer Department of (P.H.E & W.S) Raga Division, Kamle District, A.P as sought for by him under section 6(1) (Form-A) of RTI Act, 2005, vide his application dated 02/05/23.

This appeal is listed today on 09/10/24 for hearing wherein both the Appellant Shri Nabam Sonu and the APIO, o/o the E.E (P.H.E & W.S) Raga Division, Kamle District, Engineer, Shri Melo Kadu (J.E) are present.

Records reveal that the Appellant did not receive the information sought by him from the PIO in view of which he approached the Chief Engineer (P.H.E & W.S), the F.A.A vide his appeal dated 12/10/23. Having failed yet again to obtain the information the Appellant preferred this second appeal before this Commission vide Memo of Appeal dated 16/11/23.

Records further disclose that the F.A.A has not adjudicated on this appeal as mandated under Section 19(1) of RTI Act, 2005.

The First Appellate Authority, following the principle of natural justice, should have conducted hearing giving fair and equal opportunity to the Appellant and the PIO and thereafter passed a reasoned and speaking order on merit.

It is to be noted that the F.A.A, while adjudication on the appeal must apply his mind into the aspects like the kind of information sought by the Appellant, whether the information sought for could be disclosed or whether the same is exempted under relevant provisions of law and then, exercise his power and functions as mandated by the Act for implementation of the RTI Act in letter and spirit in terms of the provisions of Section 19(1) of the RTI Act, 2005.

In the premises as above this Commission finds the case at hand fit to be remanded to the FAA, the Chief Engineer, (P.H.E & W.S), Govt. of A.P for adjudication who shall apply his mind and go into aspects like what kind of information was sought by the Appellant, whether the information(s) could be provided or whether the same is hit by the provisions of Section – 8 & 9 of the RTI Act, 2005 and then pass an appropriate speaking order giving justification for his decision.

This appeal is accordingly, remanded to the F.A.A, the Chief, Engineer (P.H.E & W.S) for adjudication within 2(two) weeks from the date of receipt of this order and the PIO shall comply with the order of the F.A.A within 2(two) weeks from the date of F.A.A's order with liberty to the Appellant to prefer second appeal before this Commission under section 19 (3) of the RTI Act, if he is aggrieved/ dissatisfied with the order passed by the F.A.A, or with the information furnished by the PIO for which no fee need be paid.

Given under my hand and seal of this Commission's Court on this 2024.

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

Dated Itanagar, the 10 Oct, 2024

Memo No. APIC- 1076/2023/ 254
Copy to: -

1. The Chief Engineer (P.H.E & W.S), Papum Pare District Govt. of A.P, Itanagar-cum-the First Appellate Authority (F.A.A) for information & necessary compliance.
2. PIO, o/o the Executive Engineer, (P.H.E & W.S) Raga Division, Kamle District, Govt. of Arunachal Pradesh PIN: 791120, E-mail: pheraga@gmail.com for information & necessary action please.
3. Shri Nabam Sonu & Ors c/o Smti Teli Lina, near Govt. Middle School Lekhi, Naharlagun, Papum Pare District, (A.P)
PIN: 791120 Mobile No.9402627443/7005931078 for information & necessary follow-up action.
4. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
5. Shri Himanshu Verma, IT Consultant to intimate the Appellant and PIOs for online hearing and arrangement accordingly.
6. Office copy.


Registrar/ Deputy Registrar
APIC,
Arunachal Pradesh Information Commission
Itanagar