



ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC)
TANAGAR.

Case U/S 19(3) of RTI Act, 2005

Case No. APIC- 1138/2024 (R) 1138/2023.

(Summon to appear in person)

(Or.5, R.3 of CPC)

Shri Likha Tadam, D-Sector, Near Postal Colony,
PO/PS Itanagar, District – Papum Pare,

: APPELLANT

Vs

The PIO, o/o the Chief Engineer, (PMGSY)(RWD),
Govt of A.P, Itanagar (A.P).

: RESPONDENT

ORDER / SUMMONS

This is a Complaint filed under Section 18(1) of RTI Act, 2005 by Shri Likha Tadam for non-furnishing of information by the PIO, o/o the Chief Engineer, (RWD), Govt. of A.P, Itanagar in an appeal which was registered earlier in this Commission as APIC No 1138/2023 and remanded by this Commission to First Appellate Authority vide order dated 24th July, 2024.

Brief facts of the case:

The brief facts of this case is that that the complainant had filed an appeal under section 19(3) of the RTI Act before this Commission which was registered as APIC-1138/2023 which was remanded to the First Appellate Authority, the C.E (PMGSY)(RWD), Govt. of A.P, Itanagar vide order dt.24.07.2024 for adjudication and passing an appropriate order with liberty to the appellant to prefer his 2nd appeal before this Commission if he is aggrieved by the decision of the FAA. Records reveal that although the FAA had initiated the process of hearing of this appeal by issuing summons to the parties, no hearing was conducted. Hence, this complaint under section 18(1) of the RTI Act against the PIO, Er. Shri Daneil Pertin, E.E o/o the C.E (PMGSY)(RWD), Govt. of A.P, Itanagar.

Hearing and decision:

This case was, accordingly, listed for hearing today on 29.11.2024 wherein the complainant, Shri Likha Tadam and the PIO, Er. Shri Daneil Pertin, E.E o/o the C.E (PMGSY)(RWD), Govt. of A.P, Itanagar are present.

Heard both the parties.

The applicant/complainant submitted that pursuant to the order dt.24.07.2024 passed by this Commission, he had visited the o/o the FAA, the PIO and the APIO on 08.08.24, 14.08.24, 26.08.24 and 09.09.24 requesting for consideration of his appeal as directed by this Commission but inspite of assurance by the APIO, Shri Likha Tei, A.E o/o the C.E (PMGSY)(RWD), Govt. of A.P, Itanagar, neither hearing on his appeal was conducted nor was he provided the information and as such he was compelled to file this complaint under section 18(1) of the RTI Act.

The PIO, o/o the C.E (PMGSY)(RWD), Govt. of A.P, Itanagar, however, submitted that since the particulars of information requested by the applicant/complainant i.e c/o Shally Rubdi PMGSY Road to Tallo Village (6 KM) pertains to the Executive Engineer/DPIU(RWD) Ziro, the

RTI application of the applicant/complainant was transferred to the o/o the said Executive Engineer vide letter dt.19.06.2024 and that the PIO, o/o the Executive Engineer/DPIU(RWD) Ziro is ready to furnish the sought for information to the applicant/complainant.

Be that as it may, since the applicant/complainant has filed compliant under section 18(1) of the RTI Act, this Commission explained to the complainant the implication of the provisions of the two sections viz, section 18 and section 19 of the RTI Act, 2005 which provide for two different remedies in that under section 18, only the penalty prescribed under section 20 can be imposed while for obtaining information, the section 19 provides for remedy. The complainant was then 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 he wish to have his grievance considered as appeal under section 19 and not as complaint under section 18.

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 o/o the Executive Engineer/DPIU(RWD) Ziro to furnish the information sought for by the applicant/complainant vide his application dt.25.09.2023 on or before the next date of hearing on 20.12.2024 (Friday) 2 pm.

List this case as appeal on 20.12.24 and issue summons, accordingly.

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

Sd/-

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

Memo No. APIC-1138/2024(R) 1138/23/ 350 Dated Itanagar, the 2 December, 2024

Copy to:-

- 1) The FAA, the Chief Engineer(PMGSY)(RWD), Govt. of A.P, Itanagar for information and ensuring the disclosure of the information as sought for by the applicant/appellant.
- 2) The PIO, o/o the Executive Engineer/DPIU(RWD), Govt. of A.P, Ziro for information and compliance.
- 3) The PIO, o/o the Chief Engineer(PMGSY)(RWD), Govt. of A.P, Itanagar for information and ensuring the disclosure of the information.
- 4) Shri Likha Tadam, D-Sector, Near Postal Colony, PO/PS Itanagar, Arunachal Pradesh, PIN: 791111, Mobile No.7640806454 for information.
- 5) The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
- 6) Office copy.
- 7) S/copy

Registrar/ Deputy Registrar
APIC, Itanagar

Deputy Registrar
Arunachal Pradesh Information Commission