



**ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR**

BEFORE THE COURT OF GENOM TEKSENG, STATE INFORMATION COMMISSIONER

No.APIC-12/2021

Dated, Itanagar the 23rd April, 2021

Under Section 19(3) RTI Act, 2005

Appellant

**Shri Doge Riba
C/o-D.D Studio Building, Vivek Vs
Vihar, College Road, Itanagar, Papum
Pare Distt.(AP).**

Respondent

**Shri Likha Tatam
PIO-Cum-Admin Officer
Arunachal Pradesh Development
agency(APEDA) Urja
Bhawan, Tadar Tang Marg, Itanagar
Arunachal Pradesh**

ORDER

This appeal has been filed under section 19(3) of the RTI Act, 2005 by Shri Doge Riba c/o DD Studio Building, Vivek Vihar College Road, Itanagar, Papum Pre Dist, AP against PIO-cum- Admin Officer, APEDA, Urja Bhawan, Tadar Tang Mark, Itanagar, (AP) wherein the appellant has sought copies of answer sheets of the candidates who had qualified the written examination conducted by the APEDA, Itanagar for recruitment to the post of JE(civil) in 2016 and the particulars of the Board Members constituted to conduct vivo-voice test. Brief facts of the case is that appellant submitted an application in form 'A' to the PIO on 15th Oct, 2020. PIO had furnished the information asked for in SI.No. (2) and (3) of the application but denied information sought in SI.No.(1) citing section 11 of the Act. Aggrieved by the decision of the PIO, appeal under section 19(1) of the Act was filed to the Director, APEDA, Itanagar. No response was received from the First Appellate Authority. The appellant, having received no relief from the First Appellate Authority, has filed this appeal under section 19 (3) of the Act.

The commission has admitted the appeal and issued notice to the parties. The PIO and the appellant both present. Heard both the parties.

This is the first hearing of the appeal. During course of hearing the appellant has informed that PIO has furnished the information sought in SI.No.(2) and (3) but denied the information sought in SI.No.(1). The appellant has contended that the information sought in Si.No.(1) of his application does not fall in any of the categories specified in section 8 of the Act, and therefore, requested information cannot be denied to him. He further argued that there should not be question of breach of confidentiality, or privacy or secrecy or trust in furnishing copy of the answer sheets.

In reply to the arguments of the appellant, the respondent PIO has submitted that requested information had already been supplied to the appellant except the information sought in SI.No.(I) of the application. The PIO has submitted that the information sought in SI.No.(I) cannot be furnished to the appellant as the requested information relates to third party. He has further submitted that decision regarding disclosure of the information relating to answer sheets shall be taken after receiving representation from the third party.

The perusal of record reveals that the PIO and the First Appellate Authority did not act in accordance with the provisions of the Act. As noted above, an appeal under section 19(I) of the Act, was filed to the First Appellate Authority on 27th Nov,2020, but the appeal has not yet been disposed of. The First Appellate Authority should have disposed of the appeal within 30 days of the receipt of the appeal under section 19(6) of the Act. On the other hand, the PIO has denied the information sought in SI.No (I) of the application to the appellant citing section 11 of the Act, but the PIO is yet to take decision about the disclosure of this information. As per provisions of section 11(3) of the Act, on receipt of the submissions of the third party, the PIO shall decide whether the information sought shall be disclosed or not within 30 days after receipt of the request under section 6 of the Act.

In view of the above the PIO is directed to take a decision about the disclosure of the information sought in SI.No.(I) of the application after following the procedure outlined in section 11 of the Act. If the PIO does not find any merit in the submissions of the third party, he shall disclose the information sought to the appellant.

Next date of hearing fixed on 4th June 2021. The PIO shall again be present in the next hearing. A copy each of the order be furnished to the parties.

Sd/-

(Genom Tekseng)

State Information Commissioner
Arunachal Pradesh Information Commission

Itanagar

Dated, Itanagar the ...04...May, 2021

Memo No.APIC-12/2021/382
Copy to:

- 1.Shri Likha Tatam,PIO-Cum-Admin Office,Arunachal Pradesh Development agency(APEDA) Urja Bhawan,Tadar Tang Marg,Itanagar Arunachal Pradesh,(AP).
- 2.Shri Shri Doge Riba,C/o-D.D Studio Building,Vivek Vihar,College Road,Itanagar,Papum Pare Distt.(AP).
- 3.Computer Programmer, APIC, Itanagar, to upload in APIC Website,
- 4.Case file.

Lupstara

Registrar/Dy. Registrar,
Arunachal Pradesh Information Commission

Itanagar

Deputy Registrar

Arunachal Pradesh Information Commission
Itanagar.