



**ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR**

BEFORE THE COURT OF DR.JORAM BEGI, STATE CHIEF INFORMATION COMMISSIONER

No.APIC-139/2020

Dated, Itanagar the 2nd February, 2021

Under Section 19(3) RTI Act, 2005

Appellant

**Shri Shoney Pertin,
President Siang Rights Forum(SRF),
Airfield Pasighat, Ward No-4,
Po/Ps-Pasighat
East Siang District.**

Vs

Respondent

**Shri Tani Taki
PIO-cum-EE(PWD),
Pasighat Division,
East Siang District ,
Arunachal Pradesh.**

Dated of hearing held on : 2nd February' 2021.

ORDER

Whereas, an appeal under Section 19(3) of RTI Act, 2005 has been received from Shri Shoney Pertin, President Siang Rights Forum(SRF), Airfield Pasighat, Ward No-4, Po/Ps-Pasighat, East Siang District, for non-furnishing of information, by Shri Tani Taki, PIO-cum-EE(PWD), Pasighat Division, East Siang District , Arunachal Pradesh, as sought, by the Appellant under section 6(1) of RTI Act, 2005 on 25/09/2020 regarding C/o road from Motum to Mebo since 2017.

Whereas, the 1st hearing was held through online video / audio conference on 15th December'2020. Shri Tani Taki, PIO-cum-EE(PWD), Pasighat Division, East Siang District , Arunachal Pradesh, attended the hearing through on line audio conference and the Appellant Shri Soney Pertin appeared in the hearing thorough on line video conference. The Appellant informed the Commission that complete information as sought by him in the Form-A has not been furnished by the PIO. The PIO informed that the information other than the information related to M/s R.T. Enterprises, has been furnished to the Appellant. As, Shri Rojum Tayeng, proprietor of M/S R.T. Enterprises vide his 'Letter No. NIL Dated NIL', informed that the information sought by the Appellant is already subjudice in the Honble High Court, Gauhati, Itanagar Permanent Bench, Naharlagun Case No. WP(C) 295 (AP) 2019 Dated 29/08/2019. The case has been heard and subjudice in the Honble Court & any official matter and documents relating to M/s R.T Enterprises received stay order till the further order from the Honble High Court, Guwahati, Itanagar. However, the PIO informed that if the Information Commission or Court orders to furnish information to the Appellant, the PIO is ready to furnish the information to the Appellant.

Whereas, the Commission made it clear to the PIO that the stay order No. WP(C) 295 (AP) 2019 Dated 29/08/2019 was till the returnable period of 4 weeks only. Moreover, the Supreme Court consisting of three-judge Bench headed by Justice Rohinton F Nariman reiterated on 18/10/2020, "Whatever stay has been granted by any court, including the High Court, automatically expires within a period of six months, and unless extension is granted for good reason by a speaking order." "The speaking order must show that the case was of such exceptional nature that continuing the stay was more important than having the trial finalized". The Commission with a caution

directed the PIO to keep ready all the complete, correct and authenticated information sought by the Appellant in the Form-A and bring the information to the court in the next date of hearing. Failing which u/s 20(1) of the RTI Act 2005 penalty shall be imposed on the PIO for misinterpreting the Court orders and misleading the Court.

However, the Commission u/s 19(4) of the RTI Act, giving reasonable opportunity to the third party, Shri Rojum Tayeng, Prop: M/s R.T. Enterprises, East Siang District, Arunachal Pradesh, decided to summon third party in the next date of hearing.

Whereas, the 2nd hearing was held on 2nd February'2021. Shri Tani Taki, PIO-cum-EE(PWD), Pasighat Division, East Siang District, Arunachal Pradesh attended the hearing through online audio conferencing from Delhi. The Appellant Shri Shoney Pertin was present in the court during the hearing. The Third Party, Shri Rojum Tayeng, Prop: M/s R.T. Enterprises, East Siang District, Arunachal Pradesh, was found absent.

Whereas, a reasonable opportunity was given to the third party, to appear before the court and give his points of view as to why the information should not be furnished to the Appellant. However, the third party failed to appear during the hearing. The Commission, in view of the absence of the third party in the hearing, presume that the third party has no objection in furnishing of information by the PIO to the Appellant. The Commission therefore, directed the PIO to furnish the information to the Appellant within ten days from the date of issue of this order. The Commission asked the Appellant to receive the information from the PIO and convey his satisfaction or dissatisfaction in the next date of hearing.

The next date of hearing is fixed on the day of Tuesday, 16th February'2021 at 10:30 hrs.

Therefore, **Shri Tani Taki, PIO-cum-EE(PWD), Pasighat Division, East Siang District, Arunachal Pradesh,** is hereby summoned to appear before this Court in person on the scheduled date and time without fail.

Sd/-

(Dr.Joram Begi)

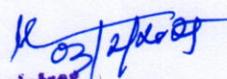
State Chief Information Commissioner
Arunachal Pradesh Information Commission
Itanagar

Memo No.APIC-139/2020 /89

Dated, Itanagar the 03 February'2021

Copy to:

1. Shri Tani Taki, PIO-cum-EE(PWD), Pasighat Division, East Siang District, Arunachal Pradesh,
2. Shri Rojum Tayeng, Prop: M/s R.T. Enterprises, East Siang District, Arunachal Pradesh,
3. Shri Shoney Pertin, President Siang Rights Forum(SRF), Airfield Pasighat, Ward No-4, Po/Ps-Pasighat, East Siang District,
4. Computer Programmer, APIC, Itanagar, to upload in APIC Website,
5. Case file.


Registrar, Registrar,
Arunachal Pradesh Information Commission
Itanagar