

**ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR, APIC.**



BEFORE THE COURT OF SHRI GENOM TEKSENG, STATE INFORMATION
COMMISSIONER.

No.APIC-54/2021(APPEAL)

Dated, Itanagar the 10th September 2021

Under Section 19(3) RTI Act, 2005

Appellant

**Shri Takar Goi,
Village Yagrung,
PO-Yagrung, PS-pasighat,
Dist. East Siang, Arunachal Pradesh.**

Vs

Respondent

**Er. Rimmer Tasso,
PIO-Cum-SE(CSQ) PWD,
O/o The CE(CSQ), Nirman
Bhawan, Second Floor, 'O' Point
Tinali, Arunachal Pradesh.**

Order

The Appellant **Shri Takar Goi** filed an application dated 17th November, 2020 before the PIO-Superintending Engineer (CSQ) O/o the Chief Engineer (CSQ) PWD, Arunachal Pradesh, Itanagar seeking Information on **05** points as contained therein. The information sought by the Appellant pertains to the firm **M/s O.G Enterprises** registered under class **1** category.

The PIO vide its response dated 9th December, 2020 denied the information sought in the point No. (1) & (2) of the RTI application, stating that requested information was not available with the Department. With regard to point No. (3), (4) & (5) the respondent PIO stated that the information sought by the Appellant pertains to personal information of the third party the disclosure which needs consent from concerned third party.

The Appellant filed First Appeal on 28th December, 2020 as his requested information was not furnished. The First Appellate Authority cum-Chief Engineer (CSQ), PWD, Itanagar took up the case for its disposal but no clear order was passed. Even copy of the order dated 8th February, 2021, passed by the First Appellate Authority was not made available to the Appellant.

The Appellant filed second appeal before this commission on the ground that the PIO denied the information sought and that the First Appellate Authority did not

respond to his First Appeal. The appellant requested the commission to direct the PIO to provide the information sought.

Hearing of the second Appeal was taken up on 09th April, 2021. During the hearing the Respondent PIO reiterated his reply given to the PIO on 09th December, 2020 and stated that requested information could not be furnished to the Appellant as the information was either not readily available with the Department or information was exempted under section 8 (1)(j) of the RTI Act. The Appellant stated that the PIO malafidely denied the information to him as the information did not fall in any of the categories which is exempted from disclosure under section 8 (1) (j) of the Act. The Appellant further claimed that requested information was arbitrarily and deliberately withheld by the PIO to hide the corruption, fraud or immoral practices of the Government Officers/Officials.

After the hearing submissions of both the parties, the commission vide its order dated 19th April, 2021 directed the PIO to forward a copy of the RTI application dated 17th November, 2020 with respect to point No. (1) & (2) of the application to the concerned Superintending Engineer of the respective jurisdiction where registration of class-v and iv contractors under civil category is done and to take a decision as to whether or not to disclose the information sought in point No. (3), (4) & (5) of the said application after following third party procedure.

In order to ensure social distancing and prevent spread of Covid-19, video hearing has been scheduled to-day. The Appellant is present in person. The PIO is present for hearing through video conference.

During the hearing the Appellant has reiterated his claim that he has been denied what is legitimately due to him in an arbitrary manner and has requested the commission to initiate non-compliance proceeding against the PIO. Further, it is also requested by the Appellant that the required information be provided to him along with compensation under section 19(8) (b) of the RTI Act.

The PIO has stated that as per direction of the commission, copy of the application dated 17th November, 2020 had already been furnished to the concerned Superintending Engineer where registration of class v and iv contractors is done. But the PIO has informed the commission that he has not yet taken decision about the disclosure of the information sought in point no. (3),(4) & (5) of the RTI application as no written submissions from the concerned third party has been received even after issuance of the notice to them. He has however, submitted that there is no malafide intention to deny the information as alleged by the Appellant or to disobey the order of the commission, and that he would now take a decision after receiving the commission's direction in this regard.

Upon the perusal of records, it appears that the PIO has not made any decision about the disclosure of information provided by the third party and the commission takes very strong exception of in-ordinate delay in furnishing the information to the Appellant. The commission also observes that even if the information sought is personal information of third party, the PIO may disclose the information if he does not find any merit in the submissions of the third party.

With the above observation, the commission directs the PIO to make a clear decision as to whether or not to disclose the information sought in point No. (3), (4) & (5) of the RTI application dated 17th November, 2020 within 7(seven) days from today. Compliance report to this effect shall be duly sent by the PIO to the commission within 18th September, 2021, failing which non-compliance proceeding shall be initiated by the commission.

The hearing is adjourned to 29th October, 2021. Copy of this order be provided to the Appellant, the PIO and the concerned third party.

Sd/-
(Genom Tekseng)
State Information Commissioner
Arunachal Pradesh Information Commission
Itanagar

Memo No. APIC-54/2021 /640 Dated, Itanagar the¹⁵ September, 2021
Copy to:

1. Er. Rimmer Tasso, PIO-Cum-SE(CSQ) PWD, O/o The CE(CSQ), Nirman Bhawan, 2nd Floor, 'O' Point Tinali, Arunachal Pradesh.
2. Shri Takar Goi, Village Yagrung, PO-Yagrung, PS-Pasighat, Dist. East Siang, Arunachal Pradesh.
3. M/s. O.G Enterprises, Proprietor-Shri Obang Gao, S/o-Tapon Gao, Village Jomo, Siang District, Arunachal Pradesh.
4. Computer Programmer, APIC, Itanagar, to upload in APIC Website,
5. Case file.

Deputy Registrar
Registrar/Dy. Registrar,
Arunachal Pradesh Information Commission
Itanagar