



**ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR**

**BEFORE THE COURT OF GENOM TEKSENG, STATE INFORMATION
COMMISSIONER**

No.APIC-56/2021

Dated, Itanagar the 19th April, 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

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

ORDER

Whereas, an appeal under section 19 (3) of the RTI Act, 2005 has been filed by Shri Takar Goi, village Yagrung, Po- Yagrung, Ps- Pasighat, District East Siang, Arunachal Pradesh against Shri Rimmer Taso, PIO cum SE (CSQ) PWD o/o the CE, PWD(CSQ), Nirman Bhawan, 2nd Floor, 'O' Point Tinali Arunachal Pradesh, for non-furnishing of information pertaining to the **firm M/s Asean Agencies, Proprietor-Shri Tarik Talom, S/o-Tarok Talom, PO and PS-Rumggong, Siang District, A.P.**

Whereas, the appellant Shri Takar Goi and the PIO-cum SE (CSQ) Shri Rimmer Taso are present.

Whereas, appellant has stated that the PIO didn't act reasonably and responsibly while responding to his request for information and that the reply furnished by the PIO is far from satisfactory. He has deliberately refused to furnish the information without any genuine reason. That the information sought for by him is not exempt for disclosure under section 8 of the RTI, Act, 2005 and, therefore, the information should be provided to him. He has further informed that no response was received from the First Appellate Authority also.

The PIO, while responding to the appellant's claims of fault in his decision, has submitted that request from the appellant was responded promptly and timely, but the requested information couldn't be provided as the information is either not available in the office or relates to third party information. He has stated that the registration of class v and IV contractors under civil category is done within the competency of concerned superintending engineer of respective jurisdiction / circle. Therefore, appellant was requested to approach the concerned enlisting superintending engineer for the information mentioned in item no (1) & (2) of his application. And that the information mentioned against item no (3), (4) & (5) relates to third party and, therefore, couldn't be provided to the appellant without the consent of the third party. He has produced before the commission the copy of the notice served to the third party.

The PIO has also informed the commission that 1st appeal filed under section 19 (1) of the Act had been disposed of by the First Appellate Authority and he has produced before the commission the copy of the order passed by the First Appellate Authority. Appellant was not aware of the order said to be passed by the First Appellate Authority, as informed by him. After hearing both the parties and on perusal of the record it has become apparent that the PIO and the First Appellate Authority didn't act in accordance with the provisions of the RTI Act, 2005 while deciding the application/ appeal filed by the appellant. Deciding appeals under the Act, is quasi-judicial function. It is, therefore, necessary that the Appellate Authority should dispose of the appeal in accordance with the prescribed procedure. It is, therefore, ordered that-

- (1) The PIO shall transfer/forward a copy of the application to the concerned enlisting superintending engineer of the respective circle. The appellant should be informed about particulars of the concerned superintending engineer to whom the application or copy thereof has been sent.
- (2) The PIO shall immediately take a decision as to whether or not disclose third party information.

The PIO shall furnish a copy each of the notice issued to the third party and a copy of the order passed by the First Appellate Authority to the appellant free of cost.

Next date of hearing is fixed on 21 May 2021.

The PIO shall again be present at the next hearing.

Sd/-

(Genom Tekseng)

State Information Commissioner

Arunachal Pradesh Information Commission

Itanagar

Memo No. APIC-56/2021 /322 Dated, Itanagar the 19 April, 2021

Copy to:

1. Shri Rimmer Taso, 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. Computer Programmer, APIC, Itanagar, to upload in APIC Website,
4. Case file.

Registrar/Dy. Registrar,

Arunachal Pradesh Information Commission

Itanagar

Deputy Registrar

Arunachal Pradesh Information Commission

Itanagar