



**ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR**

BEFORE THE COURT OF GENOM TEKSENG, STATE INFORMATION COMMISSIONER

No.APIC-57/2021

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 Rimmar 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. Eastern Engineers And Fabricator, M/s. M.G.D. Enterprises, M/s. M.M. Enterprises, M/s. Tani Takar Enterprises, M/s. Asum Engineering, M/s. Big Enterprises, M/s. M.B. Enterprises, M/s. K.D. Enterprises, M/s. Oishy Enterprises and M/s. K.B.M. Enterprises.**

Whereas, the appellant Shri Takar Goi and the PIO-cum SE (CSQ) Shri Rimmar 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 alleged that the PIO deliberately refused to furnish the information without any genuine reason. As the information sought for by him is not exempt from disclosure under section 8 of the RTI, Act, 2005, the information should be provided to him. He has further informed that no response has been received from the First Appellate Authority till today.

Whereas, 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.

Whereas, the PIO specifically stated that M/S Eastern Engineer and Fabricators and M/S MM Enterprises are not registered firms under class III contractor registrations, as such information pertaining to these firms are not available in the o/o the CE, PWD, Itanagar. The PIO has further stated that the information mentioned against item no(2),(4),(5),(6),(7),(8),(9) and (10) of the application relates to third party and therefore, cannot 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.

Whereas, the PIO has also informed the commission that first 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. No such record is available in the commission. 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.

Whereas, the PIO has informed the commission that the notice had been served to all the concerned firms as mentioned above, but no decision seems to have been taken by the PIO about the disclosure of the third party information. As per section 11(3) of the Act where notice is served to the third party, the PIO shall make a decision as to whether or not disclose the third party information within forty days after the receipt of the request under section 6 of the Act.

In view of the above the PIO is directed to immediately take a decision as to whether or not disclose the information/documents submitted by the third party.

The PIO shall furnish a copy each of the notice issued to the third party and 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.

Genom Tekseng
State Information commissioner
APIC

Memo No. APIC-57/2021 / 1323
Copy to:

Dated, Itanagar the 19 April, 2021

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.

19/4/2021
Registrar/Dy. Registrar,
Arunachal Pradesh Information Commission
Itanagar
Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar