



**ARUNACHAL PRADESH INFORMATION COMMISSION  
ITANAGAR**

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

No.APIC-88/2021

Dated, Itanagar the 23<sup>rd</sup> April, 2021

**Under Section 19(3) RTI Act, 2005**

**Appellant**

**Mr Margang Tapo  
Ess Sector near minister bungalow Vs  
No.1 Itanagar.**

**Respondent**

**PIO to Chief Engineer, (PWD) CSQ  
Nirman Bhawan-Itanagar. (AP).**

**ORDER**

This appeal has been filed under section 19(3) of RTI Act, 2005 by Mr Margang Tapo, Ess sector near Minister Bunglow No.1, Itanagar against the PIO cum SE o/o the Chief Engineer (CSQ), PWD, AP, Itanagar. Brief facts of the case is that the appellant submitted an application in form 'A' to the PIO cum SE, PWD, Itanagar on **01.02.2021** wherein, he sought information viz all T & PS machinery, experience and solvency certificates submitted by M/s T K Engineering during farm's registration as class-III category. The PIO in his reply dated **5<sup>th</sup> Feb, 2021** informed the appellant that the information has been supplied by the third party and the same has been regarded as personal information under section 8 (I) (j) of the Act. Thereafter, the appellant filed 1<sup>st</sup> appeal on **10<sup>th</sup> Feb 2021**. No positive response was also received from the First Appellate Authority. And that the appellant, having received no relief from the First Appellate Authority, has filed the present appeal before the commission.

The commission has admitted the appeal and issued notice to the parties. This is the first hearing of the appeal before the commission. Both the PIO and the appellant are absent. However, the PIO is represented by APIO Ms Mary Talom.

Ms Mary Talom, APIO has submitted that the information sought by the appellant has been supplied by the third party and, therefore, cannot be furnished to the appellant without the consent of the concerned third party. She has also

informed that though representation has already been received from the third party, no decision has been taken by the PIO about the disclosure of the information. Ms Mary Talom APIO has also argued that information requested by the appellant, for the reasons stated by her, comes under the ambit of section 8(1) (J) of the RTI Act and this section prohibits disclosure of the information without hearing the third party.

After hearing the APIO and the perusal of record reveals that the PIO did not act in accordance of provisions of the Act while attending to the request from the appellant for information. It has been observed that PIO has simply denied the information to the appellant citing section 11 of the Act , but no decision has been taken so per about the disclosure of the information. It may be pertinent to mention that as per section 11(3) of the Act the PIO after hearing the third party, may decide that the information should be furnished or not. The PIO by his letter dated 5<sup>th</sup> Feb, 2021 has also claimed that the requested information falls under the ambit of section 8 (1)(j) of the Act and therefore, the information cannot be disclosed without hearing the third party. But it is not clear whether the third party has treated the said information as confidential and pleaded privacy defence. No document has been made available before the commission to substantiate his claim.

In view of the above it is directed that the PIO shall immediately take a decision about the disclosure of information after following the procedure outlined in section 11 of the Act.

The PIO is directed to be present in the next hearing. **Next date of hearing is fixed on 4<sup>th</sup> June, 2021.** Copy of this order be furnished to both the parties.

Sd/-

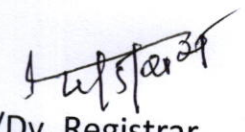
(Genom Tekseng)

State Information Commissioner  
Arunachal Pradesh Information Commission  
Itanagar

Memo No. APIC-88/2021 /377  
Copy to:

Dated, Itanagar the .....<sup>9</sup>.....May, 2021

1. PIO to Chief Engineer, (PWD) CSQ Nirman Bhawan-Itanagar, (AP).
2. Shri Margang Tapo Ess sector Near Minister Bungalow No.1 Itanagar.
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.