



**ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR**

Second Appeal APIC no. 96/2021.

(1)Shri Takam Dolu

Appellant

(2)Shri Gyamar Gunia

Guni Village Near Nirjuli Tinali

C/o- Takam Raju Po/Ps Nirjuli,

Papum pare District

Arunachal Pradesh.

Vs

Er. Techi Totu Tara

Respondent

PIO-cum-EE,RWD Sagalee

Division, Papum Pare, Arunachal Pradesh.

Date of hearing: 22.10.2021.

Date of Decision order:- 22.10.2021

Date of RTI Application/Complaint	19.06.2020(Appeal)
PIO Response	23.08.2021
Date of the First Appeal	28.01.2021
First Appellant's Response	02.02.2021
Date of Diarized Receipt of Appeal/Complaint by the Commission	18.03.2021(Appeal) 30.08.2021(Complaint)

ORDER

The Appellant vide his RTI application sought information on 09 (nine) points as contained therein.

The PIO did not response to RTI application. The Appellant then filed a First Appeal. The First Appellate Authority also did not appropriately deal with the Appeal. Dissatisfied with the response of First Appellate Authority the Appellant filed a second Appeal before the commission with a request to provide correct and complete information.

Appeal came up for 5th consecutive hearing i.e. on 23.04.2021, 13.08.2021, 27.08.2021 and 17.09.2021 and 01.10.2021.

On 23.04.2021 the commission directed the PIO to produce all the information sought by the Appellant on the next date of hearing fixed on 04.06.2021. In view of the Covid-19 situation in the state hearing was adjourned to 13.08.2021.

On 13.08.2021 the PIO, while attending the hearing informed that he had furnished the information sought in point No. (i), (ii) & (iii) of the application and that information sought in point No. (iv), (v), (vi), (vii) & (viii) of the application cannot be provided as the contractors raised objection to the furnishing of these information. After hearing the submissions of both the parties, the commission noted that PIO cannot deny the information which is permissible under the RTI Act and so, directed the PIO to furnish the required information to the Appellant. The PIO was also directed to give clear reply on point No. (ix) & (x) of the application.

The case came up for hearing again on 27.08.2021. The Appellant who was present informed that the PIO did not furnish the requested information to him despite commission's direction. Shri Toko Talam, AE, Mengio attended the hearing on the behalf of the PIO through Video conference. The PIO was again directed to provide the information on 28.08.2021 under intimation to the commission.

After receiving the information Appellant filed a complaint before the commission. The complaint was received on 30.08.2021. The Appellant in his complaint alleged that information furnished by the PIO on 23.08.2021 was incorrect, incomplete and misleading. The Appellant/Complainant, therefore, requested the commission to initiate action under section 20 of the RTI Act for furnishing incomplete, incorrect and misleading information and for the deliberate delay in furnishing the requested information.

Hearing of the complaint was taken up on 17.09.2021. Both the Appellant and the PIO remained absent. No request was received from either of the party for postponement of hearing. Since both the complainant and the PIO were absent, the hearing was adjourned to 01.10.2021.

Matter was again heard on 01.10.2021. The both PIO and the Appellant were again absent. The PIO was found absent during hearing on 23.04.2021, 27.8.2021, 17.9.2021. Therefore, matter was heard Ex-parte. The commission, after careful consideration of the case records, issued SHOW CAUSE NOTICE to the PIO on 05.10.2021 under section 20(1) of the RTI Act, 2005 for failing to comply with the provisions of the Act. He was also directed to furnish remaining information in the form of affidavit vide its order dated 05.10.2021.

Today is the 6th hearing of this appeal before the commission. The Appellant is present. But the PIO is not present to present his case before the commission. From the past records and other attending circumstances, It appears that the PIO is deliberately avoiding the SHOW CAUSE NOTICE and the commission order dated 05.10.2021.

It is also considered that in the absence of written submissions from the PIO or without personal hearing, it will not be proper to come to a conclusion that there was malafide in denial of the information in servicing the request for information. Therefore, hearing is adjourned to 05 .11.2021 at 10:30 hrs to allow further opportunity of hearing.

The PIO is directed to be present during hearing on 05.11.2021 at 10:30 hrs, failing which matter will heard and decided in your absence.

Copy of this order be provided to the parties.

Sd/-
(Genom Tekseng)
Information Commissioner

Memo No.APIC-96/2021/843

Dated,Itanagar the 26 October,2021

Copy to :

1. Er. Techu Totu Tara PIO-cum-EE,RWD Sagalee
Division, Papum Pare, Arunachal Pradesh.
2. (i) Shri Takam Dolu
(ii) Shri Gyamar Gunia
Guni Village Near Nirjuli Tinali C/o- Takam Raju Po/Ps Nirjuli,
Papum pare DistrictArunachal 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