



**ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR**

BEFORE THE COURT OF GENOM TEKSENG, STATE INFORMATION COMMISSIONER

No.APIC-97/2021

Dated, Itanagar the 23rd April, 2021

Under Section 19(3) RTI Act, 2005

Appellant

**Shri Nabam Vishnu Hina
& Party,
Nirjuli D Sector, Papum Pare
District, Arunachal Pradesh.**

Vs

Respondent

**Er. Rimmer Tasso
Superintending Engineer,
O/o The Chief Engineer (CSQ)
PWD, Itanagar, (A.P).**

ORDER

This appeal has been filed under section 19(3) of the RTI Act, 2005 by Shri Nabam Vishnu Hina and party, Nirjuli D sector, Dist. Papum Pare, Arunachal Pradesh against the PIO-Cum SE PWD, o/o the Chief Engineer (CSQ), PWD Itanagar, A.P. Brief facts of the case is that the appellant submitted the application in form 'A' to the PIO cum SE, PWD Itanagar on 26th Oct, 2020 wherein, he sought some information pertaining to all class-I category contractors registered under APPWD civil till date. The PIO furnished the information against serial No. 1(a) and 2(a) of the application. But the information sought in serial No. 1(b) and 2(b) was denied to the appellant. The PIO by his letter dated 29th Oct, 2020 informed the appellant that the information against Sl.no. 1(b) and 2(b) 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 an appeal to the First Appellate Authority on 26th April, 2020, but no positive response was received from the First Appellate Authority either. 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. The appellant is present but the PIO is absent. However, the PIO is represented by the APIO Ms Mary Talom.

Heard both the appellant and the APIO.

Ms Mary Talom APIO has submitted that information sought in Sl.no 1(b) and 2(b) has been supplied by the third party and, therefore, cannot be furnished to the

appellant without the consent of the third party. She has also informed that the PIO has not taken any decision as to whether or not to disclose such information.

After the hearing both the parties and the perusal of the record reveals that the PIO has not acted in reasonable manner while responding to the request from the appellant for information. It has been observed that the PIO has simply denied the information sought in Sl.No.1(b) and 2(b) citing section 11 of the Act. 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 29th Oct,2020 has stated that information in Sl.No. 1(b) and 2(b) falls under the expression "personal information" and hence, stands exempted under section 8 (l)(j) of the Act. But it is not clear whether the concerned third party has treated such information as confidential and has pleaded privacy defence.

In view of the above it is directed that the PIO shall immediately take a decision about the disclosure of information sought in Sl.No.1(b) and 2(b) of the application after following the procedure in section 11 of the RTI Act,2005.

Next date of hearing is fixed on 4th Jun, 2021. The PIO shall present in the next hearing. Copy of the order be furnished to both the parties.

Sd/-

(Genom Tekseng)

State Information Commissioner

Arunachal Pradesh Information Commission

Itanagar

Dated, Itanagar theMay, 2021

Memo No.APIC-97/2021/378
Copy to:

1. Er. Rimmer Tasso, Superintending Engineer, O/o The Chief Engineer (CSQ), PWD, Itanagar, (A.P).
2. Shri Nabam Vishnu Hina & Party, Nirjuli D Sector, Papum Pare District, Arunachal Pradesh.
3. Computer Programmer, APIC, Itanagar, to upload in APIC Website,
4. Case file.

[Handwritten Signature]
Registrar/Dy. Registrar,

Arunachal Pradesh Information Commission

Itanagar

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar.