



**ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR**

BEFORE THE COURT OF SHRI RINCHEN DORJEE, STATE CHIEF INFORMATION COMMISSIONER

No.APIC-263/2022

Dated, Itanagar the 15th November'2022

Under Section 19(3) RTI Act, 2005

CASE DETAILS

Adjunct, Dt. 15th November'2022
Decision No. APIC-263/2022 decided on 15th November'2022
Appeal No. APIC-263/2022
Bench: Shri Rinchen Dorjee
Appellant: Shri Tamchi Tamak, Near Govt. Primary School, Last Damsite, Naharlagun, Arunachal Pradesh.
Respondent: The PIO-cum-EE(Electrical), Department of Electrical, Sagalee Division, Arunachal Pradesh.

GIST OF O R D E R

Whereas, an appeal under Section 19(3) of RTI Act, 2005 has been received from Shri Tamchi Tamak, Near Govt. Primary School, Last Damsite, Naharlagun, Arunachal Pradesh for non-furnishing of information by The PIO-cum-EE(Electrical), Department of Electrical, Sagalee Division, Arunachal Pradesh as sought by the Appellant under section 6(1) of RTI Act, 2005 on 13/12/2021 regarding c/o renovation of 33kv line from Yupia to Sagalee.

Whereas, the rescheduled 1st hearing was held on 6th September' 2022 at 1030hrs. The PIO-cum-EE(Electrical), Department of Electrical, Sagalee Division, Arunachal Pradesh and the Appellant Shri Tamchi Tamak were found absent during the hearing. As, both the parties were absent the hearing could not take place.

Whereas, the Commission viewed seriously the absenting of the PIO from performing the statutory duty without any prior intimation. If the PIO is found absent in the next date of hearing the Commission may be compelled to imposed penalty of Rs. 25, 000/- (Rupees twenty five thousand) only u/s 20(1) of the RTI Act 2005 and the same shall be published in the wide circulating Newspaper with name and designation of the PIO. Further, if the Appellant fails to appear in the next date of hearing without any prior intimation or any reasonable reasons, the Commission shall dispose of the case presuming that the Appellant is no more interested in the information as sought by him to the PIO.

Whereas, the Commission had fixed the date of 2nd hearing on 18th October'2022 but due to unavoidable circumstances the date has been Re-scheduled to 15th November'2022 (Tuesday) at 1030 hrs in the Hon'ble Court of Shri Rinchen Dorjee, the State Chief Information Commissioner, Arunachal Pradesh Information Commission, Itanagar.

Whereas, the Re-scheduled 2nd hearing was held on 15th November, 2022 at 1030hrs. The PIO-cum-EE(Electrical), Department of Electrical, Sagalee Division, Arunachal Pradesh and the Appellant Shri Tamchi Tamak were found absent again during the hearing.

Whereas, the Commission observed that the PIO have remain absent consequently in spite of warning U/s 20(1) of the RTI Act 2005. Hereby, the PIO is directed to explain in writing to the Commission as to why Penalty under Section 20(1) of the RTI Act should not be imposed on him for continuously absenting in performing the statutory duties without intimation. The Commission shall be compelled to issue **ARREST WARRANT U/s 18(3) of the RTI Act** to compel the attendance of the PIO in the Court. The Commission also giving reasonable last opportunity to the Appellant decided to fix one more date of hearing. If, the Appellant fails to appear in the next hearing the case shall be disposed of presuming that the Appellant is no more interested in the information.

The next date of hearing is fixed on 20th December, 2022 (Tuesday) 1030hrs.

Therefore, **The PIO-cum-EE(Electrical), Department of Electrical, Sagalee Division, Arunachal Pradesh** is hereby summoned to appear before this Court in person on the scheduled date and time without fail.

Sd/-

(Rinchen Dorjee)

State Chief Information Commissioner
Arunachal Pradesh Information Commission

Itanagar

Memo No.APIC-263/2022 1815

Dated, Itanagar the 16 November' 2022

Copy to:

1. The Deputy Commissioner, Govt. of A.P., Yupia, Papum Pare District, Arunachal Pradesh for information and necessary action please.
2. The Chief Engineer (Electrical), Govt. of A.P. Itanagar, for information and necessary action please.
3. The PIO-cum-EE(Electrical), Department of Electrical, Sagalee Division, Arunachal Pradesh, for information and compliance.
4. Shri Tamchi Tamak, Near Govt. Primary School, Last Damsite, Naharlagun, Arunachal Pradesh, for information and compliance.
5. Computer Programmer, APIC, Itanagar, to upload in APIC Website,
6. Case file.

Registrar/ Dy. Registrar
Arunachal Pradesh Information Commission
Itanagar