



**ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR**

BEFORE THE COURT OF DR.JORAM BEGI, STATE CHIEF INFORMATION COMMISSIONER
No.APIC-141/2020 Dated, Itanagar the 16th February, 2021

Under Section 19(3) RTI Act, 2005

Appellant

**Shri Shoney Pertin,
President Siang Rights Forum(SRF),
Airfield Pasighat, Ward No-4,
Po/Ps-Pasighat
East Siang District.
(m) 09402788327, 8974216125,**

Vs

Respondent

**Shri Tani Taki
PIO-cum-EE(PWD),
Pasighat Division,
East Siang District ,
Arunachal Pradesh.**

Dated of hearing held on : 16th February' 2021.

ORDER

Whereas, an appeal under Section 19(3) of RTI Act, 2005 has been received from Shri Shoney Pertin, President Siang Rights Forum(SRF), Airfield Pasighat, Ward No-4, Po/Ps-Pasighat, East Siang District, for non-furnishing of information, by Shri Tani Taki, PIO-cum-EE(PWD), Pasighat Division, East Siang District , Arunachal Pradesh, as sought, by the Appellant under section 6(1) of RTI Act, 2005 on 25/09/2020 regarding C/o School Auditorium at G.S.S. Kiyit, since 2017.

Whereas, the 1st hearing was held through online video / audio conference on 15th December'2020. Shri Tani Taki, PIO-cum-EE(PWD), Pasighat Division, East Siang District , Arunachal Pradesh, attended the hearing through on line audio conference and the Appellant Shri Shoney Pertin appeared in the hearing thorough on line video conference. The Appellant informed the Commission that complete information as sought by him in the Form-A has not been furnished by the PIO. The PIO informed that the information other than the information related to M/s R.T. Enterprises, has been furnished to the Appellant. As, Shri Rojum Tayeng, proprietor of M/S R.T. Enterprises vide his 'Letter No. NIL Dated NIL', informed that the information sought by the Appellant is already subjudice in the Honble High Court, Gauhati, Itanagar Permanent Bench, Naharlagun Case No. WP(C) 295 (AP) 2019 Dated 29/08/2019. The case has been heard and subjudice in the Honble Court & any official matter and documents relating to M/s R.T Enterprises received stay order till the further order from the Honble High Court, Guwahati, Itanagar. However, the PIO informed that if the Information Commission or Court orders to furnish information to the Appellant, the PIO is ready to furnish the information to the Appellant.

Whereas, the Commission made it clear to the PIO that the stay order No. WP(C) 295 (AP) 2019 Dated 29/08/2019 was till the returnable period of 4 weeks only. Moreover, the Supreme Court consisting of three-judge Bench headed by Justice Rohinton F Nariman reiterated on 18/10/2020, "Whatever stay has been granted by any court, including the High Court, automatically expires within a period of six months, and unless extension is granted for good reason by a speaking order." "The speaking order must show that the case was of such exceptional