ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC)
ITANAGAR, RUNCHAL PRADESH

Appeal U/S 19(3) of RTI Act, 2005
vide No.APIC-79/2020

BEFORE THE HON'BLE COURT OF SHRI GOTO ETE, THE STATE INFORMATION COMMISSIONER

Shri Birendra Teli
Village Chimpu, PO: RK Mission,
Papumpare District, A. Pradesh ..... Appellant

-VERSUS -

Er.Tarh Ngurap
PIO-cum-Executive Engineer,
PWD, Capital Division-B
Itanagar, Arunachal Pradsh..... Respondent

Date of judgment/order: 22.10.2020

JUDGMENT/ORDER

This is a Second Appeal registered in the Arunachal Pradesh Information Commission under sub-section (3) of Section-19 of the RTI Act, 2005 and named being APIC No.79/2020. Brief fact of the case is that the above named appellants filed an RTI application under Form-A before the PIO-cum-EE, PWD, Capital Division-B on 29.09.2019, whereby, seeking various information regarding construction of road from Chimpu-I to Lutu-Lunia Village (5KM). The PIO, inspite of having acknowledged the receipt of the application, did not respond to the application and, being aggrieved whereof, the appellant filed the First Appeal before the FAA-cum-SE, PWD Capital Circle, on 25.02.2020. Having receipt of the First Appeal the PIO of the Office of the said FAA-cum-SE, PWD, Capital Circle vide his letter No.SECC/E-VIII/48/2019-20/ dated-20.03.2020 forwarded the appeal to the PIO with a direction to him (PIO) to directly furnish the information to the appellant with an intimation to his (SE's) office. But the PIO failed to comply with this order of the First Appellate Authority in furnishing the information so sought to him. Being aggrieved by such neglect or failure of the PIO in furnishing the information sought to him, the appellant lodged a complaint before the Arunachal Pradesh Information Commission on 19.05.2020 under sub-section (1) of Section-18 of the RTI Act, 2005. The Registry of the Commission, having receipt of the complaint, mistakenly registered the same as an Appeal under sub-section (1) of Section-19 of the Act, being APIC-79/2020, and processed the same to the Commission for hearing and disposal. And, hence, the case.

The matter came up for hearing before the Commission for the first time on 01.10.2020 during which both the appellant and Er. Bhupen Tadar representative of the PIO were present through audio/video conferencing. During the course of hearing it came to light that this matter taken under process for hearing as an

appeal under sub-section (1) of Section-19 was found to be a complaint case which has been filed by the appellant/complainant under sub-section (1) of Section-18 of the Act. The appellant/complainant, however, expressed his reluctance to pursue the complaint filed by him against the PIO, if the PIO was ready to furnished the information so sought to him. The representative of the PIO, whereupon, readily agreed to furnish the information to the appellant/complainant. For the purpose of giving opportunity to the parties for arriving at a solution the Commission fixed another date of hearing on 22.10.2020, i.e, today.

Accordingly, today both the appellant and the representative of the PIO are again present through audio/video conferencing and being heard. During the course of hearing the appellant/complainant Shri Birendra Teli while admitting to have received the information from the representative of PIO has informed the Commission that some parts of the information so sought have yet not been furnished to him. But the Commission, with having kept in view that no any such order/direction for furnishing of information be passed in any complaint filed under sub-section (1) of Section-18 of the RTI Act, 2005, decided to allow the appellant/complainant to withdraw the complaint with a liberty to him to file fresh application(s) to the PIO for seeking those information which have yet not been furnished to him.

In view of above the appellant/complainant is allowed to withdraw the complaint in question with a liberty to him to file fresh application(s) to the PIO for seeking those information which have not yet been furnished to him by the PIO. Consequent upon which this appeal automatically stands abated and closed.

Judgment/ order pronounced in the open Court of this Commission today on this 22nd day of October, 2020. Each copy of this judgment/order be furnished to the parties.

Given under my hand and seal of this Court of the Commission on this 22nd day of October, 2020.

Sd/-
(Goto Ete)
Information Commissioner
APIC, Itanagar.

Memo.No.APIC-79/2020/ 332 Dated Itanagar, the 22nd day of October, 2020.

Copy to:

1. Shri Birendra Teli, appellants, for information and necessary action please.
2. Er. Tarh Gungkap, respondent, for information and necessary action please.
3. The Computer Operator for uploading on the Website of APIC, please.
4. Office Copy.

22/10/2020

Registrar/Deputy Registrar
APIC, Itanagar.

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar