



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

Appeal U/S 19(3) of RTI Act, 2005
vide No.APIC-87/2020

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

Shri Tabing Lamgu
GHC, Itanagar Permanent Bench Nlg,
Papumpare District, A. Pradesh..... Appellant

- VERSUS -

Smty Pooja Sonam
PIO-cum-CO, DC's Office Seppa,
East Siang District, A. Pradesh..... Respondent

Date of judgment/order: **01.10.2020**

JUDGMENT/ORDER

Brief fact of the case is that the above named appellants on 05.11.2018 filed an RTI application under Form-A before the PIO of the Office of the Deputy Commissioner, Seppa, East Siang District, whereby, seeking various information regarding appointments of GBs & HGBs of Richi Lamgu Village. The appellant, having not received the information so sought from the PIO, filed the First Appeal before the FAA-cum-Deputy Commissioner, East Siang District, Seppa, on 28.12.2018. The appellant, being aggrieved of having not received any response from the First Appellate Authority (FAA), filed the Second Appeal before the Arunachal Pradesh Information Commission on 12.06.2020 and the Registry of the Commission on receipt of the same registered it as APIC-87/2020 and processed the same before the Commission for hearing and disposal.

Accordingly, the appeal has come up today for the first time for hearing. Appellant Shri Tabing Lamgu and the PIO-cum-Circle Officer, DC's Office, Seppa, Smty Pooja Sonam are both present and being heard through Audio Conferencing. During the course of hearing the PIO verbally submitted, inter-alia, that the all information so sought in Form-A application of the appellant were all kept ready in time and informed the appellant within the prescribed period of 30 days under the RTI Act to collect the information on payment of the required fees but the appellant, in spite of having got the information so communicated from her end, including, the information given to him over phone, did not ever turn up either for payment of required fees or for collection of the information. The appellant, on his part, has not in any way controverted or disputed the fact as raised by the PIO that he was duly communicated within prescribed period of 30 days to collect the information so sought on payment of the required fees. It is not out of place to mention herein that the appellant pleaded, among others, that he could not collect the information from the PIO because of the reason that he was then staying away at Itanagar and this plea being raised by the appellant is rather found in clear admittance of the fact

raised by the PIO, among others that the appellant did not ever turn up for collecting of the information as aforesaid. I have also gone through all available materials on record before me. Having done so, it transpires on record that the appellant submitted his RTI application on 05.11.2018 and, being allegedly aggrieved of having not received the information so sought within prescribed of 30 days, filed the First Appeal on 28.12.2018 and, as such, the validity period for disposal of the First Appeal runs in the instant case from 28.12.2018 to 26.01.2019. It is pertinent to mention herein that an appellant, aggrieved by a decision of the First Appeal does have a right of filing Second Appeal within a period of 90 days from any such date of receipt of copy of the decision or, otherwise, from such date on which the decision ought to had been made. In the present case the appellant, who had a right of filing Second Appeal, instead of so filing the appeal within the period of 90 days from 27.01.2019 to 27.04.2019, filed this Second Appeal after more than a year of expiry of the period of Second Appeal as prescribed under sub-section (3) of Section-19 of the RTI Act, 2005 and the same has been so filed without any explanation of such delays in filing the appeal.

In view of facts and circumstances as discussed aforesaid I find this appeal fit to be dismissed on ground of limitation as well as for failure or neglect on the part of the appellant in collecting the information so sought from the PIO on payment of required fees. And, accordingly, appeal is dismissed, however, with a liberty to the appellant for filing a fresh application under Form-A for seeking the same information from the PIO. And, in the result, this appeal stands disposed off and closed.

Judgment/order pronounced in the open Court of this Commission today on this 1st day of October, 2020. Each copy of this judgment/order be furnished to the parties.

Given under my hand and seal of this Court/Commission on this 1st day of October, 2020.

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

Dated Itanagar, the 1st of October, 2020

Memo.No.APIC-87/2020/279

Copy to:

1. Shri Tabing Lamgu, appellant, for information and necessary action please.
2. Smty Pooja Sonam, respondent, for information and necessary action please.
3. The Computer Operator for uploading on the Website of APIC, please.
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Registrar/Dy. Registrar
APIC Registrar
Deputy Registrar
Ananchal Pradesh Information Commission
Itanagar