



ARUNACHAL PRADESH INFORMATION COMMISSION (APIC)  
ITANAGAR

(Before the Hon'ble Information Commissioner Mr. Genom Tekseng)

**AN APPEAL UNDER SECTION 19 (3) OF RTI ACT, 2005.**

**APIC-No.804/2023(Appeal)**

Sh. Charu Tatung, Jollang Village,  
(Upper Jollang) PO/PS: Itanagar P/Pare  
District, Arunachal Pradesh. (M)  
7005139372/6909975914, **Pin:**  
**791111.**

Appellant

**-Versus-**

The PIO-O/O the Director, Deptt. Of  
UD & Housing Govt. Of A.P Itanagar  
Papumpare District Arunachal Pradesh.  
**Pin: 791111.**

Respondent

**Date of hearing: 25.01.2024**

**Date of decision: 25.01.2024.**

**FACTS OF THE CASE:**

The appellant filed an RTI application dated **15.06.2023** seeking information about land used for construction of building etc in capital complex out of allotted land of 137598 sq mtrs, copy of Govt. notification , topographic map etc of the said area . The respondent PIO did not furnish reply to the RTI application. The appellant then filed a first Appeal dated **18.07.2023**. First Appellate Authority's (FAA) order, if any, is not available on record. Feeling aggrieved and dissatisfied, the appellant approached the commission with the instant second Appeal.

After receipt of the second Appeal notices were issued to the parties to appear on **24.11.2023**.

**FACTS EMERGING DURING THE HEARING:**

The PIO appeared on 24.11.2023 and submitted that information sought in point no. (2), (3), (6) and (7) of the application had already been furnished to the appellant. He has further submitted that information sought vide point no. (1), (4) and (5) of the application is not available as per the record maintained by the office / department and hence cannot be furnished. The appellant submitted that the PIO had furnished incomplete information and demanded a categorical reply from the PIO. The commission adjourned the hearing of 25.01.2024 with direction to the PIO to furnish a point-wise reply to the appellant based on the queries raised in him his RTI application.

The matter is being heard today. The PIO has appeared before the commission and submitted that as per the commission direction he has furnished a point-wise reply to the appellant. He has reiterated that information sought vide point no. (1), (4) and (5) of the application is not available in the office of the Director, UD, Itanagar and hence cannot be furnished. The appellant has confirmed having received the letter dated 25.02.2023 from the PIO. The PIO has further submitted that information sought in point no. (1) (4) and (5) of the application may be available in the office of the Director, Land Management, Itanagar and DC, Capital complex. The appellant has not contested the submission made by the PIO during the hearing.

The commission after hearing the submissions of both the parties observes that the PIO has provided the information which is available with him and that the information which is not available or which does not exist cannot be physically disclosed and resultantly there is no disclosure obligation of the PIO. However the commission feels that RTI application should be forwarded to the PIO O/o the DC, Capital Complex and Director, Land Management and Chief Secretary Govt of A.P, Itanagar.

Having observed as above, the commission directs the PIO to transfer the RTI application to the PIO O/o the Chief Secretary, Civil secretariat, Itanagar, the DC, Capital Complex and Director Land Management, Itanagar with request to furnish the information sought in point no. (1) (4) and (5) of the RTI application within 2 weeks from the issue of this order and send a compliance report to this effect to the commission.

With the above directions, **instant appeal is disposed of.**

Copy of this order be supplied to the parties.

Sd-

(Genom Tekseng)

Information Commissioner

Memo No.APIC-804/2023/1344  
Copy to:

Dated Itanagar the 30. Feb' 2024.

1. Computer Programmer, Itanagar, APIC, to upload in APIC, website please.
2. Office copy.

Registrar/Dy.Registrar,

APIC, Itanagar  
Deputy Registrar

Andhra Pradesh Information Commission  
Itanagar