



सूचना का
अधिकार
RIGHT TO
INFORMATION

**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. **501/2023** (Appeal)

Sh. Shoney Pertin & Ors, President Siang
Right Forum, PO/PS Pasighat, East Siang
District, Arunachal Pradesh.
(M)8974216125 & 9402788327 **Pin:**
791102.

Appellant

Versus

The PIO-Cum-CEO, Smart City
Development Corporation Ltd. Pasighat,
East Siang, District, Arunachal Pradesh.
Pin: 791102.

Respondent

Date of hearing: 27-10-2023.

FACTS OF THE CASE:

The appellant filed an RTI application dated 23/03/2023 seeking information relating to **construction of Smart Road Phase-1 and 2 and storm water drainage phase-1-A under Smart City Mission Pasighat East Siang for last 3 years.**

The PIO cum CEO, PSCDCL, Pasighat by letter dated 19/04/2023 provided the requested information to the appellant.

Dissatisfied with the response from PIO the appellant filed a second appeal dated 24/04/2023. The First Appellate Authority (FAA) vide order dated 02/05/2023 directed the PIO-cum-CEO, PSCDCL, Pasighat to furnish the sought information within 30 days.

The appellant then approached the commission with the instant second appeal.

After receipt of the second appeal notices were issued to the parties to appear on the 27/10/2023.

FACTS EMERGING DURING THE HEARING:

Following are present:

Respondent: Respondent PIO is absent.

Appellant: Appellant is absent.

The case is listed for hearing today. None appears before the commission. However, the commission is in receipt of letter dated 27.10.2023 from the appellant wherein the he has stated that owing to his illness, he will not be able to attend the hearing. No communication has been received from the PIO explaining the cause of his absence during the hearing. One Shri Topbor Well Marngar, Adv. who describes himself as legal adviser has come for the hearing, but he neither has any authorisation letter from the PIO nor has any file related to the case. None of the parties has sought for an adjournment of the case. Moreover, postponement of the hearing at the very last minute will result in wastage of the time of the commission. The commission, therefore, does not consider it desirable to postpone the hearing and the matter is heard today ex-parte.

OBSERVATIONS:

The commission based on a perusal of record notes that the RTI application was filed on 23/03/2023 and appropriate reply as per the provisions of the Act was furnished to the appellant. The PIO vide letter dated 19/04/2023 furnished all the information except those sought in query no. (3) of the application. The PIO vide letter dated 02/07/2023 also requested the appellant to specify/confirm the information/documents for which affidavit/undertaking (*as sought in query no. 3*) is demanded and the appellant did not response to the said letter. The commission also takes grave exception to the absence of the PIO during the hearing without any intimation to the commission. The PIO is advised to take prior permission of the commission before absenting himself and in case such lapse is repeated in future the commission will be constrained to take penal action against the PIO.

The facts of the case indicate that the PIO has appropriately dealt with the RTI application in a time bound manner. The appellant was given chance to confirm the exact/particular document (s) for which Affidavit/undertaking is required, which

he chose not to. The appellant is also not present to contest his case in person despite being given the opportunity to do so.

Considering the facts of the case, the commission is of the opinion that it does not appear from the records of the case that the PIO has caused any infringement to the access of information and there is no merit in the instant case. Accordingly, instant **case is disposed of**. Appellant has the liberty to file fresh application before the PIO, demanding the information sought in query no. (3) of his RTI application dated 23.03.2023, in case such need arises.

Copy of this order be supplied to the parties.

Sd/-
(Genom Tekseng)
Information Commissioner

Memo No.APIC-501/2023/1088
Copy to:

Dated Itanagar the 17th Nov' 2023.

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


Registrar/Dy. Registrar
APIC, Itanagar
Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar