



**ARUNACHAL PRADESH INFORMATION COMMISSION ITANAGAR**

**BEFORE THE HON'BLE COURT OF SHRI SANGYAL TSERING BAPPU, STATE  
INFORMATION COMMISSIONER**

**Under Section 19(3) RTI Act, 2005**

**Appeal No. APIC-1015/2023**

Shri Takheng Lamnio,  
Gohpur, Near KV-II School, Itanagar  
PO/PS RK Mission Chimpu, Papum  
Pare District, A.P.

**: Appellant**

PIO – Cum-Extra Asstt. Commissioner,  
o/o the D.C, East Kameng District,  
Seppa, A.P.

**: Respondent**

This an appeal under Section 19 (3) of RTI Act 2005 received from Shri Takheng Lamnio, for furnishing of information(s) by the PIO-Cum- Extra Assistant Commissioner Office of the Deputy Commissioner Seppa East Kameng District, Govt. of Arunachal Pradesh as sought for by the Appellant under Section 6(1) (FORM-A) of RTI Act,2005.

Date of filling of RTI application	01.08..2023
PIO's response	25.09.2023
Date of filing of First Appeal	11.09.2023
First Appellate Authority's response	-
Date of diarized receipt of Second Appeal by the Commission	27.10.2023
Date (s) of Hearing in the Commission	21.06.2024
Date of order/decision	21.06.2024

**ORDER**

The hearing of this appeal was held today on 21.06.2024 as scheduled wherein the appellant Shri Takhen Lamnio was present but neither the PIO nor its representative attended the hearing despite summon notice.

**Facts of the case:**

The brief facts as reveals from the record are that the appellants, Shri Takheng Lamnio, vide his application dt.01.08.2023 filed before the PIO- EAC, o/o the D/.C, East Kameng District, Seppa requested for following information:

1. Particulars of information: Project construction of foot tract from Sario to Longchu & BOP establishment at Langchu Wale.

2. Details of information :

- (a) Copy of order passed by Additional Deputy Commissioner, Bameng, East Kameng District as per meeting notified on 13.07.2023 at Kameng Hall regarding foot tract construction from Sario to Langchu;
- (b) Copy of order passed by Ashok Tajo i/c D.C, Seppa as per order dt.06.06.2023 directing 6(six) GBs and 3(three) GPMs to present on 15.06.2023 regarding land acquisition for ITBP at Langchu;
- (c) Copy of order passed by Shri Abu Taba, APCS as per meeting held on 01.06.2023 at DC's chamber regarding the clarification and identification of the genuine owner of the proposed ITBP BOP at Langchu under Khenewa Circle, East Kameng District.

The EAC i/c DLR & SO, East Kameng District, vide letter dt.25.09.2023 responded to the RTI application of the appellant stating that reply to the Sl. No. (a) is available and enclosed as Annexure- "A" but as against Sl. numbers (b) and (c) it has been stated as 'not available'.

The Appellant, being dissatisfied with the reply of the PIO, filed 1<sup>st</sup> appeal dt.11.09.2023 before the First Appellate Authority (FAA), the Deputy Commissioner, East Kameng District under section 19(1) of the RTI Act, 2005. The Appellant, having failed to obtain the sought for information even on 1<sup>st</sup> appeal, preferred this second appeal before the Commission vide his memo of appeal dt.26.10.2023 under section 19(3) of the RTI Act on the ground of furnishing incomplete information by the PIO.

**Hearing and decision:**

The Appellant, during the course of hearing, submitted that he has received the information on his request at Sl. No. (a) but he did not receive the information for Sl. (b) and (c) and reiterated his demand.

The records disclose that the First Appellate Authority did not take any action on the appeal as mandated under section 19(1) of the RTI Act, 2005. The First Appellate Authority, following the principle of natural justice ought to have conducted the hearing giving adequate opportunity to the Appellant and thereafter passed a reasoned and speaking order giving justification for his decision. In doing so, the FAA should apply his mind and gone into the aspects like what kind of information was sought by the appellant in his application, whether the same was and could be provided or whether the same was exempted under the relevant provisions of section 8 of the Act or whether the information pertains to matters covered under section 11 of the RTI Act etc.

As laid down in the guidelines issued by the Govt. of India and the State Govt., the adjudication on the appeal under the RTI Act is quasi-judicial function. It is, therefore, necessary that the Appellate Authority should see to it that the justice is not only done but it should also appear to have been done. In order to do that, the order passed by the Appellate Authority should be a speaking order giving justification for the decision arrived at.

In the instant case, the First Appellate Authority, having not discharged its mandated duty under section 19(1) of the RTI Act, 2005, the Commission deems it appropriate to remand the appeal to the First Appellate Authority for proper adjudication at its level first.

The appeal is, accordingly, remanded to the First Appellate Authority for adjudication and passing an appropriate order within 4(four) weeks from the date of receipt of this order. Further, the appellant is granted liberty to prefer second appeal, if dissatisfied or aggrieved by the decision of the First Appellate Authority for which no fees need be paid.

Sd/-  
(S.Tsering Bappu )  
State Information Commissioner,  
APIC, Itanagar.

Memo.No. APIC- 1015/2023/ 127

Dated, Itanagar, the 27 June 2024.

Copy to:

1. The DC East Kameng District Seppa-cum-First Appellate Authority P/o. Seppa PIN: 790102
2. The PIO -Cum-EAC, O/o the Deputy Commissioner Seppa East Kameng District, Govt. of Arunachal Pradesh, for information & necessary action please. (PIN:790102).
3. Shri Takheng Lamnio r/o Gohpur nea KV2 School Itanagar, RK Mission PO/PS Chimpu Papum Pare District, (A.P). PH-9402843687, Pin-791113) Arunachal Pradesh for information & necessary action please.
4. The Computer Programmer for uploading on the Website of APIC, please.
5. Office copy.

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