



ARUNACHAL PRADESH INFORMATION COMMISSION, APIC ITANAGAR

**An Appeal Case U/S 19(3) of RTI Act, 2005.
Vide Case No. APIC-1072/2023**

Shri Nabam Sonu & others -V/S- PIO-cum-EE, PHED, Raga, Kamle District, Govt. of Arunachal Pradesh.

JUDGMENT/ORDER

This is an appeal filed under sub-section (3) of Section 19 of the RTI 2005. Brief fact of the case is that the Appellant, Shri Nabam Sonu, on **02/05/2023** filed an RTI application in form 'A' before the PIO-cum-EE, PHED, Raga Division, Kamle District, Govt. of Arunachal Pradesh. Whereby seeking various information as quoted in Form 'A' application. The Appellant being denied the information from the PIO filed the First Appeal before the First Appellate Authority (FAA) on **12/10/2023**. Appellant again having not received the required information from the FAA, filed the Appeal before the Arunachal Pradesh Information Commission on **22/11/2023** and the Registry of the Commission (APIC) having receipt of the Appeal registered it as **APIC- No. 1073/2023 (Appeal)** and processed the same for its hearing and disposal.

WHEREAS, the 1st hearing was held on 3rd December' 2024, and the 2nd hearing on 13th February' 2025 related to the APIC-No. 1071/2023 wherein the Appellant present and the PIO absent in the first hearing and wherein, 2nd hearing both parties present during the hearing before the Commission.

Heard both the parties:

After hearing both the parties and going through the available documents, it was observed that this instant Appeal is pre-mature, as the First Appellate Authority (FAA) has failed to conduct hearing of both parties in stipulated time of 30 days, as per the established procedural law under RTI, Act, 2005.

It is pertinent to mentioned here that, accordingly to the RTI, Act, 2005, it provides three stages of seeking information(s). First directly from the PIO, Second:- on the failure of the PIO to provide the information(s) sought by the Appellant or is aggrieved by the decision of the PIO the Applicant will make an Appeal to the First Appellate Authority (FAA) and the First Authority is mandated to conduct proper hearing of both the parties to decide the case and hereby pass an order on the subject matter within prescribed period provided under the provisions of RTI, Act, 2005, thirdly:- the Appellant on being dissatisfied/aggrieved by the order of the First Appellate Authority (FAA) can appeal to the State Information Commission (SIC) as under Section 19(3) of the RTI, Act, 2005.

In the instant case the FAA has to give a fair hearing to the Appellant along with the PIO in presence and it is evident while hearing of the Appeal that the FAA has not conducted a fair hearing to the parties, which is a procedural laps on the part of the First Appellate Authority (FAA) as per the Rules of RTI, Act, 2005.

Under the above stated facts and circumstances, this appeal case is remanded back to the FAA for giving an opportunity for a fair hearing to both the parties within 30 days from passing this order by adopting the procedures as per law and after hearing both the parties, a speaking order be passed as per merit of the case. The order passed be intimated to the Commission. And, hence, the Appeal is dismissed by this Commission, and remanded back to the First Appellate Authority (FAA)-cum-Chief Engineer, PHED, Western Zone, Itanagar, Govt. of Arunachal Pradesh.

Judgment/Order pronounced in the open Court of this Commission today on this 13th day of February' 2025. Copy of Judgment/Order be furnished to the parties.

Given under my hand and seal of this Commission/Court on this 13th day of February' 2025.

Sd/-
(Vijay Taram)
State Information Commissioner
APIC, Itanagar.

Memo.No. APIC- 1072/2023/545

Dated Itanagar, the 24th February' 2025.

Copy to:

1. FAA-cum-Chief Engineer, PHED, Western Zone, Itanagar, Govt. of A.P.
2. PIO-cum-EE, PHED, Raga Division, Kamle District, Govt. of A.P.
1. Shri Nabam Sonu (Appellant), C/o Smdti. Teli Lina, Govt. Middle School Lekhi, Naharlagun, P/Pare District, Arunachal Pradesh for information.
3. The Computer Programmer, for uploaded on the Website of APIC, please.
4. The office copy.


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