

NAGALAND INFORMATION COMMISSION

Below Raj Bhavan, Officers' Hill Colony

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No. NIC/Appeal-12/2017-18

Dated Kohima, the 30th July, 2018.

Appellant : Shri. Devinder Sharma,
Krishna Cottage,
27-D, Dayal Bagh,
Ambala Cantt.
Haryana – 133001.
Mobile No. 9876140198,
email: sharmadevinder1953@gmail.com.

Respondents : (i) The Transport Commissioner & First Appellate Authority,
Motor Vehicles Department,
Office of the Transport Commissioner,
Nagaland, Kohima.

(ii) The Regional Transport Officer & PIO,
Kohima,
Nagaland.

Public Authority : Office of the Regional Transport Officer,
Kohima, Nagaland.

Date of first hearing : 08.05.2018 at 12:00 PM.
Date of first Decision : 15.05.2018.

Date of second hearing : 25.07.2018 at 12:00 PM.
Date of second Decision : 30.07.2018.

Present:

1. Shri. Pukhavi Sema, Additional Transport Commissioner, Motor Vehicles Department, Office of the Transport Commissioner, Nagaland, Kohima, Mobile No. 943600768 representing the Transport Commissioner & First Appellate Authority.
2. Shri. S. Yaongsanglee Chang, Sr. District Transport Officer, Office of the Regional Transport Officer, Motor Vehicles Department, Kohima, Nagaland, Mobile No. 9862159833.
3. Shri. Arenbo Peter, Sr. MVI, Office of the Regional Transport Officer, Motor Vehicles Department, Kohima, Nagaland, Mobile No. 9436607806.

The following **did not** appear for the hearing.

1. Shri. Elias T. Lotha, Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Office of the Transport Commissioner, Nagaland, Kohima, Mobile No. 9436011036.
2. The Regional Transport Officer & PIO, O/o of the Regional Transport Officer, Kohima, Nagaland.
3. Shri. Tatongtemsu, Sr. MVI & APIO, Office of the Regional Transport Officer, Motor Vehicles Department, Kohima, Nagaland, Mobile No. 9436009848.
4. The applicant (now appellant), Shri. Devinder Sharma, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt. 133001 (HR), Mobile No. 9876140198, email: sharmadevinder1953@gmail.com.

FACT OF THE CASE

The Commission had, on 08.05.2018 at 12:00 PM heard for the second time, the second appeal dated 24.5.2017 submitted by Shri. Devinder Sharma, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt. 133001 (HR), Mobile No. 9876140198, email: sharmadevinder1953@gmail.com against the

non-response of the First Appellate Authority to his first appeal dated 30.3.2017 which was preferred against the non-response of the DTO, Kohima to his RTI application dated 31.10.2016.

After the hearing, the Commission had passed decision vide even No. dated 15.5.2018 wherein the Sr. MVI & APIO, O/o of the Regional Transport Officer, Kohima was directed to furnish within 30 (Thirty) days from the date of receipt of the decision, the information on Point No. 1 to the Commission and Point No. 2 to the applicant (now appellant) with a copy to the Commission.

In compliance to **Point No. 1** of the decision of the Commission of even No. dated 15.05.2018, Shri. Tatongtemsu, Sr.MVI & APIO, O/o of the Regional Transport Officer, Kohima had, vide letter No. RTO-K/RTI/DL/3/2017/118-120 dated 31.05.2018 submitted a photo copy of the information furnished by the PIO & RTO, Kohima, Nagaland vide letter No. RTO-K/DL/3/2017/203 dated 08.06.2017 and No. RTO-K/DL/3/2017/354 dated 24.08.2017, and also a copy of certificate issued by North Police Station, Kohima regarding the loss of properties due to the fire incident on 02.02.2017.

Also in compliance to **Point No. 2** of the decision of the Commission of even No. dated 15.05.2018, Shri. Tatongtemsu, Sr.MVI & APIO, O/o of the Regional Transport Officer, Kohima had stated that there was no option for screen shot in SARATHI system, however a printed copy of the fee history details of the DL No.NL-0120110040082 was submitted.

Since there was delay in furnishing the information to the applicant (now appellant) and to determine the cause of delay and to clarify the above contradictory statements of the APIO, the Commission has decided to hear the appeal giving opportunity of being heard to all the parties on **25th July, 2018 (Wednesday) at 12:00 Noon in the Hearing Room of Nagaland Information Commission, below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima** and had also directed to **to bring the files and relevant documents** in question for scrutiny, on the above date and time for hearing:-

- i. Shri. Elias T. Lotha, Transport Commissioner & FAA, Motor Vehicles Department, Nagaland, Kohima.
- ii. The Regional Transport Officer & PIO, O/o of the Regional Transport Officer, Kohima, Nagaland.
- iii. Shri. Tatongtemsu, Sr.MVI & APIO, O/o of the Regional Transport Officer, Kohima, Nagaland.
- iv. The applicant (now appellant), Shri. Devinder Sharma, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt. 133001 (HR).

OBSERVATIONS AND FINDINGS:

The applicant (now appellant), Shri. Devinder Sharma, Haryana did not appear for the hearing and there was no reason or prior intimation to the Commission regarding his absence in the hearing. The concerned PIO, Kohima had again did not appear for the hearing however, the PIO was represented by Shri. S. Yaongsanglee Chang, Sr. District Transport Officer, Office of the Regional Transport Officer, Motor Vehicles Department, Kohima. Shri. Tatongtemsu, Sr. MVI & APIO, Office of the Regional Transport Officer, Motor Vehicles Department, Kohima, Nagaland who had made his submissions in the last hearing did not attend in this second hearing.

Shri. Elias T. Lotha, Transport Commissioner & FAA, Motor Vehicles Department, Nagaland, Kohima had, vide letter No. TC/Estt-RTI/NOTICE-NIC/306/2014/1884-86 dated 23.07.2018 informed the Commission regarding his inability to attend the hearing since he had to attend an important meeting on the same day with the International Centre for Automotive Technology, Manager regarding Inspection and Certification Centre Project at Dimapur from 25th to 26th July, 2018. He further informed that Shri. Pukhavi Sema, Additional Transport Commissioner, Motor Vehicles Department, Office of the Transport Commissioner, Nagaland, Kohima, and Shri. Arenbo Peter, Sr. MVI would represent on behalf of the Transport Commissioner & First Appellate Authority.

The Commission observed that the concerned PIO had neither appeared in the first hearing nor in this second hearing, and there was no reason or prior intimation to the Commission regarding her absence. Shri. S. Yaongsanglee Chang, Sr. District Transport Officer, Office of the Regional Transport Officer, Motor Vehicles Department, Kohima, informed that the PIO, Smti. Keneingunuo Clara, RTO, Kohima could not attend the first and the second hearings since she was on Maternity Leave.

Representative of the FAA, Shri. Pukhavi Sema, Additional Transport Commissioner, Motor Vehicles Department, Office of the Transport Commissioner, Nagaland, Kohima, submitted that duplicate copy of the DL fee receipt could not be printed and there was also no option for screen shot in SARATHI system, however, a print out of **Fee History Details** was produced before the Commission. He further stated that the DL pertain to before 2017 and since some documents were burnt during the burning down of the office on 02.02.2017, the desired information/documents could not be furnished.

During the hearing, Shri. S. Yaongsanglee Chang, Sr. District Transport Officer, Office of the Regional Transport Officer, Motor Vehicles Department, Kohima, who represented the RTO & PIO clarified that the **Fee History Details** produced before the Commission was just the transaction history of fees deposited and was different from the receipt of fee collected from the DL Holder. A sample copy of fee receipt was also produced before the Commission. He further stated that the RTI application dated 31.10.2016 was **not received** and only after the receipt of the first appeal dated 30.03.2017, the information was furnished on the direction of the Transport Commissioner & FAA.

The Commission observed that there were some confusion and contradictory statements and therefore insisted on the Sr. DTO to produce a copy of the letter given by the FAA directing the PIO to furnish the information, however, the Sr. DTO could not produce any letter as evidence. The Commission also could not decide the delay since the date of receipt of the RTI application was not known as the concerned PIO did not appear in both the hearings.

The Commission also observed that since neither a duplicate DL Fee Receipt nor screenshot of the fee receipt could be printed, in lieu of the fee receipt, a **Fee History Details** against the DL was produced wherein the fee collected had already been deposited vide challan No. D-6962 dated 22.07.2015.

On inquiry of the Commission as to whether the applicant (now appellant) was satisfied with the information furnished to him as directed in the last hearing, Shri. S. Yaongsanglee Chang, Sr. District Transport Officer, Office of the Regional Transport Officer, Motor Vehicles Department, Kohima stated that the information **dated 31.05.2018** was submitted to the Commission, however, the information had not been furnished yet to the applicant (now appellant).

DECISION:

On the above observations and findings, the Commission decided that:-

1. a copy of the information including the explanation given in regard to the Actual Fee receipt and the Fee History Details be furnished to the applicant (now appellant) shall be furnished to the applicant (now appellant) with a copy to this Commission.
2. The **Date of receipt** of the RTI application dated 31.10.2016 shall be submitted to this Commission.
3. Smti. Keneingunuo Clara, RTO &PIO, Kohima shall submit an **explanation** regarding her absence in both the first and second hearings without any reason and prior intimation to the Commission.

The above compliances **shall be submitted within fifteen (15) days** from the date of receipt of this Decision.

On receipt of the above compliances, the Commission shall hear the case again in the presence of Smti. Keneingunuo Clara, RTO &PIO, Kohima in the next hearing which shall be notified later.

Decision pronounced in the presence of only the respondents on 25.07.2018 at 12:00 PM.

Copy be given to:-

1. Shri. Elias T. Lotha, Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Office of the Transport Commissioner, Nagaland, Kohima, Mobile No. 9436011036.
2. Smti. Keneingunuo Clara, RTO & PIO, Office of the Regional Transport Officer, Motor Vehicles Department, Kohima, Nagaland.
3. Shri. S. Yaongsanglee Chang, Sr. District Transport Officer, Office of the Regional Transport Officer, Motor Vehicles Department, Kohima, Nagaland, Mobile No. 9862159833.

4. Shri. Tatongtemsu, Sr. MVI & APIO, Office of the Regional Transport Officer, Motor Vehicles Department, Kohima, Nagaland, Mobile No. 9436009848.
5. The applicant (now appellant), Shri. Devinder Sharma, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt. 133001 (HR), Mobile No. 9876140198, email: sharmadevinder1953@gmail.com.
6. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website and Notice Board.
7. Office Copy.

Sd/-
CHANBEMO LOTHIA
Chief Information Commissioner

Sd/-
G. H. RAMLIA
State Information Commissioner

Sd/-
KEVIZATUO MIACHIEO
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary