

NAGALAND INFORMATION COMMISSION
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No. NIC/Appeal-19/2017-18.

Dated Kohima, the 22nd March, 2019.

Appellant : Shri. Prem Rattan Daga,
M/S R.D. Trade Agency,
C/o M/S Monika (Bombay Dyeing),
Church Road, Dimapur-797112.

Respondents : 1) The Chief Engineer & FAA
PHED,
Nagaland, Kohima.

2) The concerned PIO,
Office of the Chief Engineer,
PHED,
Nagaland, Kohima.

Public Authority : Office of the Chief Engineer, PHED, Nagaland, Kohima.

Date of first hearing : 04.07.2018 at 1:00 PM.

Date of first Decision : 13.07.2018.

Date of second hearing : 16.10.2018 at 12:00 PM.

Date of second Decision : 23.10.2018.

Date of third hearing : 14.03.2019 at 1:00 PM.

Date of third Decision : 22.03.2019.

Present:

1. Er. Repangyangba Longkumer, Additional Chief Engineer & PIO, Office of the Chief Engineer, PHED, Nagaland, Kohima, Mobile No. 9436006161.
2. Shri. Jonthong Khiam, Technical Assistant, Office of the Chief Engineer, PHED, Nagaland, Kohima, Mobile No. 9436009851.
3. Mr. Pungbacung Meru, Advocate, the newly authorized representative of M/S R. D. Trade Agency, Dimapur, Mobile No. 9436264387.

The applicant (now appellant) Shri. Prem Rattan Daga, M/S R.D. Trade Agency, C/o M/S Monika (Bombay Dyeing), Church Road, Dimapur-797112 **did not appear** for the hearing.

FACT OF THE CASE

After hearing of the second appeal dated 19.07.2017 for the second time on 16.10.2018 at 12:00 Noon, the Commission had passed decision vide even No. dated 23.10.2018, wherein the applicant (now appellant), Shri. Prem Rattan Daga was directed to submit a copy of the information furnished to him and along with the grounds of his satisfaction to the Commission within fifteen (15) days from the date of receipt of the decision.

The applicant (now appellant) had, vide letter dated 21.11.2018, while acknowledging the receipt of the above letter on 12.11.2018, requested for few weeks time to reply due to multiple health issues since the Doctor advised full bed rest till his condition improves.

Though sufficient time had lapsed, since no compliance was received, the Commission had, vide letter of even No. dated 22.01.2019 directed the applicant (now appellant) to comply with the decision of the Commission dated 23.10.2018 within twenty (20) days.

In response to the letter dated 28.07.2018 of the applicant (now appellant), Er. Repanyangba Longkumer, Additional Chief Engineer & PIO, O/o the Chief Engineer, PHED, Nagaland, Kohima had, vide letter No. CE/PHE/M/RTI/2006-07 dated 18.09.2018 re-furnished the information alongwith clarifications to the applicant (now appellant), which the Commission had received a copy only after more than 4 (four) months on 01.02.2019.

Since there was no compliance to the decision of the Commission dated 23.10.2018 from the applicant (now appellant), the Commission has decided to hear the appeal again giving opportunity of being heard to all the parties on **14th March, 2019 (Thursday) at 1:00 P.M.** in the **Hearing Room of Nagaland Information Commission, below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima,** and had also directed the following parties **to bring the files and relevant documents** in question for scrutiny, on the above date and time for hearing:

- i. The Chief Engineer & FAA, PHED, Nagaland, Kohima.
- ii. Er. Repanyangba Longkumer, Additional Chief Engineer & PIO, PHED, Nagaland, Kohima.
- iii. The applicant (now appellant). Shri. Prem Rattan Daga, Jaipur, Rajasthan.
- iv. The Authorised Representative of the applicant (now appellant), Shri. Medem Jamir, Deputy Secretary (Retired), PHE Department, Govt. of Nagaland, Kohima.

OBSERVATIONS AND FINDINGS:

The applicant (now appellant), Shri. Prem Rattan Daga, Dimapur did not appear for the hearing.

The Commission had, on the date of hearing on 14.03.2019 received a letter dated 13.03.2019 from P.R. Daga stating that due to health problems, he could not appear for the hearing. He further stated that he had revoked the authorization given to Mr. Medem Jamir and authorize Mr. Pungbacung Meru, Advocate to attend all hearings and meetings on behalf of R.D. Trade Agency in connection with his RTI case.

On the date of hearing, the Commission had also received a letter dated 14.03.2019 from Mr. S. Medem Jamir regarding his withdrawal from nomination of representative in respect of M/S R. D. Trade Agency.

During the hearing, the newly authorized representative of M/S R. D. Trade Agency, Mr. Pungbacung Meru, Advocate submitted that he was new and had prayed for some more time.

Er. Repanyangba Longkumer, Additional Chief Engineer & PIO, Office of the Chief Engineer, PHED, Nagaland, Kohima informed that Er. K. Ghushito Sema, Chief Engineer & FAA, PHED, Nagaland, Kohima had already retired from government service on superannuation. The new Chief Engineer & FAA could not attend the hearing since he was attending another unavoidable official meeting.

The Commission pointed out that since the applicant(now appellant) was satisfied, he was directed to submit copies of the information received from the PIO, however, inspite of the expiry of the time limit given by the Commission and the subsequent reminder, the applicant(now appellant) had failed to comply for which another hearing was fixed.

The Commission observed that from the date of receipt of the RTI application dated 08.09.2016 on 16.09.2016 to the date of furnishing the information on 20.11.2017, and

considering the 30 days time limit for the PIO to furnish the information to the applicant, there was delay for 270 (300 – 30) days for which penalty was attracted.

DECISION

On the above observations and findings, balancing with the prayer submitted by the newly authorized representative of M/S R. D. Trade Agency, Mr. Pungbacung Meru, Advocate and the non-appearance of the new Chief Engineer & FAA, PHED, Nagaland, Kohima, the Commission was convinced to hear the appeal again in the presence of all the parties in the next hearing which shall be notified later.

Decision pronounced in the presence of the respondent and the new representative of the applicant (now appellant) on 14.03.2019 at 1:00 PM.

Copy be given to:-

1. The Chief Engineer & FAA, PHED, Nagaland, Kohima.
2. Er. Repangyangba Longkumer, Additional Chief Engineer & PIO, Office of the Chief Engineer, PHED, Nagaland, Kohima, Mobile No. 9436006161.
3. The applicant (now appellant) Shri. Prem Rattan Daga, M/S R.D. Trade Agency, C/o M/S Monika (Bombay Dyeing), Church Road, Dimapur-797112, Mobile No. 9352333339.
4. Mr. Pungbacung Meru, Advocate, the newly authorized representative of M/S R. D. Trade Agency, Dimapur, Mobile No. 9436264387.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
6. Office Copy.

Sd/-

CHANBEMO LOTHIA

Chief Information Commissioner

Sd/-

G. H. RAMLIA

State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)

Secretary