

NAGALAND INFORMATION COMMISSION
Below Raj Bhavan, Officers' Hill Colony
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No. NIC/Appeal-19/2017-18.

Dated Kohima, the 23rd October, 2018.

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

Respondent : 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.

Present:

1. Er. K. Ghushito Sema, Chief Engineer & FAA, PHED, Nagaland, Kohima, Mobile No. 9436015086.
2. Er. Repangyangba Longkumer, Additional Chief Engineer & PIO, Office of the Chief Engineer, PHED, Nagaland, Kohima, Mobile No. 9436006161.
3. Shri. Jonthong Khiam, Technical Assistant, Office of the Chief Engineer, PHED, Nagaland, Kohima, Mobile No. 9436009851.
4. Representative of the applicant (now appellant), Shri. S. Medem Jamir, Deputy Secretary (Retired), PHE Department, Govt. of Nagaland, Kohima, Mobile No. 9856209466.

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

The Commission had on 04.07.2018 at 1:00 P.M. heard the second appeal dated 19.07.2017 submitted by Shri. Prem Rattan Daga, M/s R.D. Trade Agency, C/o M/s Monika (Bombay Dyeing) Church Road, Dimapur 797112 against the non-response of the FAA, PHED to his first appeal dated 06.12.2016 which was submitted against the non-response of the PIO to his RTI application dated 08.09.2016.

After the hearing, the Commission had passed decision vide of even No. dated 13.07.2018 wherein the Additional Chief Engineer & PIO, Office of the Chief Engineer, PHED, Nagaland, Kohima was directed to confirm satisfaction or non-satisfaction of the information from the

applicant (now appellant) within 1 (One) month from the date of receipt of this decision, specifying that failure to submit confirmation within the specified time shall be deemed to be satisfied.

Meanwhile, the Commission had, vide letter dated 16.07.2018 received from the applicant (now appellant) stating that he could not attend the last hearing held on 04.07.2018 at 1:00 P.M. due to medical treatment. He informed that Shri. S. Medem Jamir, Deputy Secretary (Retired) to the Govt. of Nagaland, PHE Department has been authorized to attend to all the meetings/ hearing on his behalf and had also updated his address for official communication as P.R.DAGA, 673, Vivek Vihar, New Sanganer Road, Sodala, Jaipur-302019, Rajasthan.

In compliance to the decision of the Commission dated 13.07.2018, Shri. Repangyangba Longkumer, Additional Chief Engineer & PIO, O/o the Chief Engineer, PHED, Nagaland, Kohima had, vide letter No.CE/PHE/M/RTI/2006-07 dated 18.08.2018 submitted that the applicant (now appellant) had vide letter dated 28.07.2018 expressed non-satisfaction with the information so furnished on 20.12.2017. A copy of the above letter of non-satisfaction from the applicant (now appellant) was found enclosed.

The Commission had also received from the applicant (now appellant), a copy of the above letter dated 28.07.2018 regarding his non-satisfaction of the information so furnished to him.

The Commission has decided to hear the appeal giving opportunity of being heard to all the parties on **16thOctober, 2018 (Tuesday) at 12:00 Noon in the Hearing Room of Nagaland Information Commission, below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima** and had also directed the parties **to bring the files and relevant documents** in question for scrutiny, on the above date and time for hearing:-

- i. Er. K. Ghushito Sema, Chief Engineer & FAA, PHED, Nagaland, Kohima.
- ii. Shri. Repangyangba Longkumer, Additional Chief Engineer & PIO, O/o the Chief Engineer, PHED, Nagaland, Kohima.
- iii. Shri. Medem Jamir, authorized representative of the applicant (now appellant), Shri. Prem Rattan Daga, Jaipur-302019, Rajasthan.

OBSERVATIONS AND FINDINGS:

Shri. Medem Jamir, authorized representative of the applicant (now appellant), Shri. Prem Rattan Daga, appeared for the hearing. He stated that after he had discussion with the public authority, he was now satisfied with the information.

The Commission observed that neither the applicant (now appellant) nor his representative appeared for the first hearing which was held on 04.07.2018 at 1:00 PM. After the hearing, the public authority was directed to furnish the information, wherein the PIO had accordingly complied. On receipt of the information, the applicant(now appellant) had submitted non-satisfaction of the information which required the Commission for this second hearing.

However, during the second hearing, the applicant(now appellant) stated satisfaction and he could not even produce any documents or a copy of the information furnished to him which the Commission demanded. Hence, the Commission viewed that the applicant(now appellant) had been misleading the Commission which amounted to abuse of the RTI tool.

Er. Repangyangba Longkumer, Additional Chief Engineer & PIO, Office of the Chief Engineer, PHED, Nagaland, Kohima also submitted that during the discussion with the applicant (now appellant) in the CE Office, the applicant had gone through the information furnished to him and had expressed satisfaction.

DECISION

On the above observations and findings, the Commission decided that the applicant (now appellant) shall submit to the Commission a copy of the information so furnished to him and along with the grounds of his satisfaction, within **fifteen (15) days** from the date of receipt of this decision.

On receipt of the above compliance, the Commission shall hear the appeal and also decide on delay in furnishing the information to the applicant (now appellant) in the next hearing which shall be notified later.

Decision pronounced in presence of both the respondents and the representative of the applicant (now appellant) on 16.10.2018.

Copy be given to:-

1. Er. K. Ghushito Sema, Chief Engineer & FAA, PHED, Nagaland, Kohima, Mobile No. 9436015086.
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. The Authorized Representative of the applicant (now appellant) Shri. Medem Jamir, Deputy Secretary (Retired), PHE Department, Govt. of Nagaland, Kohima.
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