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No. NIC/Appeal-22/2017-18

Dated Kohima, the 20th April, 2018

Appellants :1) Shri. Vilhousielie Kengurüse,
President, Nagaland Pradesh Youth Congress (NPYC),
Nagaland, Kohima-797001,
Mobile No. 9774037529 and

2) Shri. Limayangba,
General Secretary (Adm),
Nagaland Pradesh Youth Congress (NPYC),
Nagaland, Kohima-797001,
Mobile No. 9862338667

Respondents : 1) The Engineer-in-Chief & FAA,
Department of Power,
Nagaland, Kohima.

2) Er. Rokozhalie Angami,
Chief Engineer(T&G) & PIO,
O/o the Engineer-in-Chief,
Department of Power,
Nagaland, Kohima.

Public Authority : O/o the Engineer-in-Chief,
Department of Power,
Nagaland, Kohima.

Date of hearing : 10.04.2018 at 12:00 PM.

Date of Decision : 20.04.2018.

Present:

1. Er. G. Chishi, Engineer-in-Chief & FAA, Department of Power, Nagaland, Kohima, Mobile No. 9436012325.
2. Er. Rokozhalie Angami, Chief Engineer(T&G) & PIO, O/o the Engineer-in-Chief, Department of Power, Nagaland, Kohima, Mobile No. 9436005605.
3. Er. Shikato, SE, O/o the Engineer-in-Chief, Department of Power, Nagaland, Kohima, Mobile No. 9436003338.
4. Er. Suralo, EE, O/o the Engineer-in-Chief, Department of Power, Nagaland, Kohima, Mobile No. 8787629950.
5. The applicants (now appellants), Shri. Vilhousielie Kengurüse, President, Nagaland Pradesh Youth Congress (NPYC), Nagaland, Kohima-797001, Mobile No. 9774037529.
6. Shri. Limayangba, General Secretary (Adm) Nagaland Pradesh Youth Congress (NPYC), Nagaland, Kohima-797001, Mobile No. 9862338667.

FACT OF THE CASE

Two applicants, Shri. Vilhousielie Kengurüse, President, NPYC, Nagaland and Shri. Limayangba, General Secretary, NPYC, Nagaland had jointly submitted an RTI application vide letter No. **NPYC/RTI-3/2017** dated **26.05.2017** addressed to the PIO, Power Department, Nagaland, Kohima along with the application fee of Rs. 10/- in cash seeking the following information pertaining to construction of 220/132/33KV, Sub-Station at Chiephobozou (Part-II) Nagaland (NEC Project):

1. *Furnish Xerox copy of DPR/estimate of the Project.*
2. *Furnish detail of the fund release till date against the project.*
3. *Furnish in detail as to why the location of the project has been relocated. (enclosed relevant documents).*
4. *Furnish in detail the progress of the project on percentage basis.*

On not getting any response to their RTI application dated 26.05.2017, the applicants had submitted a first appeal dated 06.07.2017 to the First Appellate Authority, Power Department, Nagaland, Kohima.

In response to the first appeal dated 06.07.2017, Er. Rokozhalie Angami, Chief Engineer(T&G) & PIO, O/o the Engineer-in-Chief, Department of Power, Nagaland, Kohima had, vide letter No. ENCP/PIO/RTI-1/05-06/1537 dated 17.07.2017 furnished the information to the applicants (now appellants).

However, on not being satisfied with the information furnished to them by the PIO, O/o the Engineer-in-Chief, Department of Power, Nagaland in response to their first appeal, dated 06.07.2017, the applicants (now appellant) had submitted a second appeal dated 05.09.2017 to this Commission.

The Commission had, vide Notice of even No. dated 29.01.2018 notified to hear the appeal giving opportunity of being heard to the parties on **16th February, 2018 (Friday) at 12:00 P.M.**, however, the applicants (now appellants) had, vide letter dated 09.02.2018 requested for postponement of the hearing due to their engagement in the Nagaland Assembly Election, 2018. The Commission accepted their request and had, vide letter of even No. dated 14.02.2018 postponed the hearing of the appeal case to a later date.

And, on completion of the processes and conduct of the Nagaland Assembly Election 2018, the Commission had, vide Notice of even No. dated 12.03.2018 notified to hear the appeal giving opportunity of being heard to the parties on **10th April, 2018 (Tuesday) at 12:00 P.M in the Hearing Room of Nagaland Information Commission, Below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima** and also directed to bring the files and relevant documents in question for scrutiny on the above date and time for hearing.

1. The Engineer-in-Chief & FAA, Department of Power, Nagaland, Kohima.
2. Er. Rokozhalie Angami, PIO, O/o the Engineer-in-Chief, Department of Power, Nagaland, Kohima.
3. The applicants (now appellants), Shri. Vilhousielie Kengurüse, President, NPYC, Nagaland and Shri. Limayangba, General Secretary(Adm), NPYC, Nagaland

OBSERVATIONS & FINDINGS:

The applicant(now appellant), Shri. Vilhousielie Kengurüse stated that the information given was satisfied except the query relating to the shifting of the project from Chiephobozou to Zhadima as no documents or order regarding the shifting was furnished. Further, he stated that though the project was shifted from Chiephobozou to Zhadima, funds were still received against Chiephobozou. He also stated that the first appeal was filed but the FAA did not hear the first appeal.

The PIO stated that the project for Construction of 220/132/33 KV Sub-Station at Chiephobozou is a single circuit line from Dimapur to Chiephobozou. As per the North East Composite Transmission Line, six (6) additional bases were required. However, since the land at Chiephobozou was not enough, the department had to go for a larger plot of land which could accommodate all the 6 bases. The NEC (North East Council) had also approved for the setting up of 220KV Sub-Station at Zadhima while keeping the 132 KV at Chiephobozou. Accordingly, the nomenclature of the project was changed and had also reflected in the sanction order of the 2nd Instalment which was received for Zadhima under Chiephobozou Block only recently in **January, 2018**. He further pointed out that the RTI application dated 26.05.2017 was received on the same date i.e. on **26.05.2017** and the reply was given on **15.06.2017**, which was before the above sanction was received.

The FAA also pointed out that the applicant had stated that the PIO had not given any reply, however, the reply was given within 20 days i.e. within the stipulated time limit of 30 days. He stated that another RTI application dated **06.07.2017** was received from the same applicant and had furnished on **17.07.2017**. He further admitted ignorance that first appeal ought to be heard by the FAA and had come to know about it only during the hearing.

Further, the FAA explained that the site for the project funded by the NEC was selected at Chiephobozou. In the meantime, the World Bank project came up for a 220 KV (Double Circuit) for Mokokchung to Kohima, Imphal to Kohima and Kohima to Kiphire. This project required six

(6) bases and an effort was made for expansion at Chiephobozou, however, due to the terrain, the project site could not be expanded to accommodate all the 6 bases. Hence, alternatively, a favourable and larger site was located at Zadhima. The Power Settlement Board had in a meeting in 2014 also decided to have a 132 KVA at Chiephobozou while a larger base be constructed at Zadhima. In 2015, the NEC officials had also visited the site and were satisfied. The Minutes of the meeting was also given to the applicant. However, the work for the 132 KVA continued to be constructed at Chiephobozou on the same site selected earlier.

The applicants (now appellants) stated that reply from the PIO was received, however, there was no response or any reply from the FAA. Though the public authority had explained above regarding the shifting of the project site from Chiephobozou to Zadhima, no such order from the NEC or the State government was furnished, for which they were not satisfied.

The Commission observed that since the first appeal dated 06.07.2017 and the second appeal dated 05.09.2017 were filed against the RTI application dated **26.05.2017** and for which the hearing was held and not regarding the other RTI application dated **06.07.2017** filed by the same applicants, the issue regarding the RTI application dated **06.07.2017** is hereby **not entertained**. Further, since the RTI application dated 26.05.2017 was received on the same date i.e. on **26.05.2017** and the reply given on **15.06.2017**, there was no delay in furnishing the information and hence no penalty was attracted.

DECISION

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

1. The PIO shall give chronological order in writing, explaining the reasons for the shifting of the project site from Chiephobozou to Zadhima alongwith other related documents **within two (2) weeks** from the date of receipt of this decision.
2. The PIO shall also submit to the Commission, a copy of the information which was furnished to the applicants (now appellants) on **15.06.2017**, **within two (2) weeks** from the date of receipt of this decision.

Decision pronounced in presence of all parties present on 10.04.2018.

Copy be given to the parties:-

1. Er. G. Chishi, Engineer-in-Chief & FAA, Department of Power, Nagaland, Kohima, Mobile No. 9436012325.
2. Er. Rokozhalie Angami, Chief Engineer(T&G) &PIO, O/o the Engineer-in-Chief, Department of Power, Nagaland, Kohima, Mobile No. 9436005605.
3. Er. Shikato, SE, O/o the Engineer-in-Chief, Department of Power, Nagaland, Kohima, Mobile No. 9436003338.
4. Er. Suralo, EE, O/o the Engineer-in-Chief, Department of Power, Nagaland, Kohima, Mobile No. 8787629950.
5. The applicants (now appellants), Shri. Vilhousielie Kenguruse, President, Nagaland Pradesh Youth Congress (NPYC), Nagaland, Kohima-797001, Mobile No. 9774037529.
6. Shri. Limayangba, General Secretary (Adm) Nagaland Pradesh Youth Congress (NPYC), Nagaland, Kohima-797001, Mobile No. 9862338667
7. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website and Notice Board.
8. 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