

NAGALAND INFORMATION COMMISSION

Below Raj Bhavan, Officers' Hill Colony

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No. NIC/Appeal-19/2017-18.

Dated Kohima, the 11th June, 2018.

Subject: Notice for Hearing on 4th July, 2018 (Wednesday) at 1:00 P.M.

WHEREAS, under Section 19 of the RTI Act, 2005, the Nagaland Information Commission had received a second appeal dated 19.07.2017 from 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.

AND WHEREAS, the above applicant had earlier submitted an RTI application dated **08.09.2016** seeking the following information and addressed to the PIO, O/o the Chief Engineer, PHED, Nagaland by speed Post bearing No. ER000181767IN dated 08.09.2016 along with an amount of Rs. 100/- paid through IPO bearing No. 48H476393 towards application fee of Rs.10/, photocopy charges of Rs. 40/- and postage charges of Rs. 50/-.

- i. *Whether payments have been made to supplier applicant against the supply orders and Bills mentioned here under?*
- ii. *If answer to (i) above is yes, then how much? Please provide proof of payments that id DD/Cash/Cheque Number with date or receipt duly signed by receiver.*
- iii. *Dow much amount is unpaid under each supply order and bill?*
- iv. *Copy of carriage bills Total 7 Nos. (Seven) supply-Orders and proof of payments if made.*
- v. *The amount due under of 7 Nos. (Seven) supply-Orders carriage bills.*
 - a. *Supply order No. CE/PHE/HRD/SR-S/2005-06/95-97 dated Feb 2006, Bill No RDTA/2005-06/011 dated 23 Feb. 2006 Rs.60,99,803.00. Goods delivered at Distt. HQ Tuensang.*
 - b. *Supply order No. CE/PHE/CCDU-SWAJ/2006-07/236-239 dated 16 Mar 2007, bill No. RDTA/2006-07/014 for Rs.51,82,800.00. Goods delivered at Distt. HQ Tuensang.*
 - c. *Supply order No. CE/PHE/CCDU-SWAJ/2006-07/232-235 dated 16 Mar 2007, bill No. RDTA/2006-07/013 for Rs.48,32,450.00. Goods delivered at Distt. HQ Tuensang.*
 - d. *Supply order No. CE/PHE/HRD/SR-S/2005-2006/98-100 dated 20 Feb 2006, bill No. RDTA/2005-06/015 dated 23 Feb 2006 for Rs.15,55,751. Goods delivered at Distt. HQ Zunheboto.*
 - e. *Supply order No. CE/PHE/CCDU-SWAJ/2006-07/240-243 dated 16 Mar 2007, bill No. RDTA/2006-07/011 dated 23.04.07 for Rs.17,68,804. Goods delivered at Distt. HQ Zunheboto.*
 - f. *Supply order No. CE/PHE/HRD/SR-S/2003-2004/10-14 dated 5 Dec 2003, bill No. RD/2003-04-101 for Rs.24,67,962/-. Goods delivered at Distt. HQ Zunheboto.*
 - g. *Supply order No. CE/PHE/CCDU-SWAJ/2006-07/244-247 dated 16 Mar 2007, bill No. RDTA/2006-07/012 for Rs.16,30,371. Goods delivered at Distt. HQ Zunheboto.*

AND WHEREAS, on not getting any response from the PIO, O/o the Chief Engineer, PHED, Nagaland to his RTI application dated 08.09.2016 within the stipulated time period of 30 (Thirty) days as provided under Section 7 (1) of the RTI Act, 2005, the applicant had submitted a First Appeal dated **06.12.2016** addressed to the First Appellate Authority & Principal Secretary, Public Health Engineering Department, Nagaland, Kohima by Speed Post bearing No. ER328294475IN dated 17.01.2017.

AND WHEREAS, on not getting any response from the First Appellate Authority & Principal Secretary, PHED, Nagaland, Kohima, to his first appeal dated 06.12.2016, the applicant (now appellant) had preferred a second appeal dated 19.07.2017 before this Commission.

AND WHEREAS, on receipt of the second appeal dated 19.07.2017, since the first appeal was not received and heard, the Commission had, vide letter of even No. dated 03.10.2017 advised the applicant (now appellant) to submit the first appeal before the appropriate/ rightful First Appellate Authority i.e. the Chief Engineer, PHED. Further, if there was no response or unsatisfactory decision of the First Appellate Authority within 30-45 days on receipt of the first appeal, the applicant (now appellant) may prefer second appeal to this Commission within 90 days from the date on which the decision should have been made or was actually received under Section 19(3) of the RTI Act, 2005.

AND WHEREAS, in compliance to the advice of the Commission of even No. dated 03.10.2017, the applicant had, vide letter dated 09.11.2017 addressed to the Chief Engineer & FAA, PHED submitted first appeal in the form of RTI application.

AND WHEREAS, on not getting any response to his supposedly First Appeal dated 09.11.2017 within the stipulated time frame of 30 days from the Chief Engineer & FAA, PHED Nagaland, the applicant (now appellant) had, again preferred a Second Appeal dated 30.01.2018 before this Commission.

AND WHEREAS, since the First Appeal was not heard, the Commission had, vide letter of even No. dated 16.03.2018 directed the Chief Engineer & FAA, PHED to take up the first appeal by hearing the parties i.e. the applicant and the PIO concerned and pass decision within 1(one) month from the date of receipt of the directive and submit a copy of the decision to the commission.

AND WHEREAS, in compliance to the directive of the Commission of even No. dated 16.03.2018, the Chief Engineer & FAA, PHED had, vide No. CE/PHE/RTI/2005/910-14 dated 03.04.2018 issued Notice for hearing fixed on 09.04.2018 at 12:00 noon in the office chamber of the Chief Engineer & FAA, PHED, Nagaland, Kohima.

AND WHEREAS, the Chief Engineer & FAA, PHED had, vide letter No. CE/PHE/RTI/2005/1032-34 dated 12.04.2018 (but signed on 11.04.2018) submitted to the Commission that the hearing was held on 09.04.2018 at 12:00 Noon as scheduled with only the Director, WSSO (PHED) and PIO in attendance, since the applicant (now appellant) had expressed his inability to attend the hearing due to ill health. Further, the applicant had acknowledged by e-mail the receipt of the information sent to him by speed post, however, since he had requested for confirmation of payment made by the Executive Engineers of Tuensang, Zunheboto and Mokokchung Divisions, the FAA had decided to hear the case again on 18.04.2018 in the presence of both the past and present Executive Engineers of the above divisions.

AND WHEREAS, the Chief Engineer & FAA, PHED had, vide letter No. CE/PHE/RTI/2005/1162-64 dated 19.04.2018 submitted to the Commission that the hearing was held as scheduled on 09.04.2018 at 12:00 Noon and it was decided that due to huge time gap and transfer and posting of Officers, ample time should be given to the respective Executive Engineers and for which 2 (Two) weeks time i.e. till 02.05.2018 was given to furnish the information.

AND WHEREAS, since there was neither any response from the Chief Engineer & FAA, PHED nor from the respective Executive Engineers even after the lapse of the given 2 (Two) weeks time i.e. 02.05.2018, the Commission has decided to hear the appeal giving opportunity of being heard to all the parties on **4th July, 2018 (Wednesday) at 1:00 P.M in the Hearing Room of Nagaland Information Commission, below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima.**

NOW THEREFORE, it is notified that the following parties are directed to appear before this Commission and also **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. The Additional Chief Engineer & PIO, PHED, Nagaland, Kohima.
- iii. The applicant (now appellent) Shri. Prem Rattan Daga, Dimapur-797112.

Sd/-

CHANBEMO LOTHIA
Chief Information Commissioner
Dated Kohima, the 11th June, 2018.

No. NIC/Appeal-19/2017-18.

Copy to:

1. The PPS to the Chief Information Commissioner, Nagaland Information Commission for kind information of the CIC.
2. The PA to the State Information Commissioner (K), Nagaland Information Commission for kind information of the SIC (K).
3. The PA to the State Information Commissioner (R), Nagaland Information Commission for kind information of the SIC (R).
4. The Chief Engineer & FAA, PHED, Nagaland, Kohima.
5. The Additional Chief Engineer & PIO, PHED, Nagaland, Kohima.
6. The applicant (now appellent) Shri. Prem Rattan Daga, M/S R.D. Trade Agency, C/o M/S Monika (Bombay Dyeing), Church Road, Dimapur-797112.
7. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website and Notice Board.
8. Office Copy.

(WORHONTHUNG EZUNG)
Secretary