

NAGALAND INFORMATION COMMISSION

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No.NIC/Appeal-11/2017-18.

Dated Kohima, the 6th February, 2019.

Sub: Closing Order for Appeal Case.

WHEREAS, under Section 19 of the RTI Act, 2005 and in accordance to the Nagaland State Information Commission (Appeal Procedure) Rules, 2005, the Commission had heard the Second Appeal dated 29.05.2017 for the fourth time on 13.11.2018 at 12:00 P.M. which was submitted by Shri. Devinder Sharma, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt. 133001, Haryana, Mobile No. 9876140198, email: sharmadevinder1953@gmail.com against the non-satisfaction of the decision passed by the Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Nagaland, Kohima in response to his first appeal dated 18.01.2017.

AND WHEREAS, after the fourth hearing held on 13.11.2018 at 12:00 P.M., the Commission had passed decision of even No. dated 16.11.2018.

AND WHEREAS, in compliance to the **Point No.1** of the decision of the Commission dated 16.11.2018, Shri. Elias T. Lotha, Transport Commissioner & FAA had vide, letter No.TC/Estt-RTI/Appeal/302/2014(163)/2981 dated 04.12.2018 submitted to the Commission a copy of a sworn affidavit dated 04.12.2018 declaring that the Notification dated 01.08.2009 purported to have been issued by the Department was not traceable.

AND WHEREAS, in compliance to the **Point No.2** of the decision of the Commission dated 16.11.2018, Smti. Mhalo Lotha, Registrar & APIO, O/o the Transport Commissioner, Nagaland, Kohima had, vide letter No.TC/Estt-RT/302/2014(163)/3050 dated 13.12.2018 submitted that the office had asked all the RTOs and DTOs to trace the said Notification dated 01.08.2009 in their respective Offices vide letter No.TC/Estt-RT/302/2014(163)/2973-80 dated 04.12.2018, however all offices had confirmed and reported that they had not come across such notification.

AND WHEREAS, in compliance to the **Point No.3** of the decision of the Commission dated 16.11.2018, Shri. K. Iheto Achumi, Deputy Transport Commissioner & PIO had vide, letter No.TC/Estt-RTI/Appeal/302/2014(163)/3028-29 dated 11.12.2018 wrote to the applicant (now appellant) to intimate his satisfaction or non-satisfaction within thirty (30) days from the date of receipt of his letter failing which the information would be presumed as satisfied.

AND WHEREAS, the applicant (now appellant) had vide e-mail dated 13.11.2018 informed the Commission and with a copy to Transport Commissioner regarding his inability to attend the hearing on 13.11.2018 due to shortage of time. He had further requested the Commission that if no Notification dated 01.08.2009 was issued by the Transport Commissioner, Kohima, the Transport Commissioner be directed to sent confirmation in writing in compliance to the Commission directions before closing his appeal.

AND WHEREAS, since all the above compliances have been received from the Public Authority, the Commission has decided to close the Appeal case.

NOW THEREFORE, it is notified to all the parties that this Appeal case is hereby declared as closed.

1. Shri. Elias T. Lotha, Transport Commissioner & FAA, Motor Vehicles Department, Nagaland.
2. Shri. Tsuknungmeren, District Transport Officer & PIO, Tuensang, Nagaland.
3. The applicant (now appellant), Shri. Devinder Sharma, Krishna Cottage, Haryana.

Sd/-
CHANBEMO LOTH
Chief Information Commissioner

No. NIC/Appeal-11/2017-18.

Dated Kohima, the 6th February, 2019.

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. Shri. Elias T. Lotha, Transport Commissioner & FAA, Motor Vehicles Department, Solitary Park, New Secretariat area, Nagaland, Kohima, Mobile No. 9436011036.
5. Shri. Tsuknungmeren, District Transport Officer & PIO, Motor Vehicles Department, Tuensang, Nagaland, Mobile No.9436002514.
6. The applicant (now appellant), Shri. Devinder Sharma, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt. 133001, Haryana, Mobile No. 9876140198, email: sharmadevinder1953@ gmail.com.
7. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
8. Office Copy.

(WORHONTHUNG EZUNG)
Secretary