

**NAGALAND INFORMATION COMMISSION**

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No. NIC/Appeal-6/2018-19

Dated Kohima, the 12<sup>th</sup> March, 2019.

**Appellant** : Shri. Chander Dev Katoch,  
D-160/2, 2<sup>nd</sup> Floor  
Okhla Phase-1,  
New Delhi-110020

**Respondents** : (i) The Transport Commissioner & First Appellate Authority,  
Motor Vehicles Department,  
Office of the Transport Commissioner,  
Nagaland, Kohima.  
  
(ii) The District Transport Officer & PIO,  
Tuensang, Nagaland.

**Public Authority** : Office of the District Transport Officer,  
Tuensang, Nagaland - 798612.

**Date of first hearing** : 23.10.2018 at 12:00 PM.  
**Date of first Decision** : 26.10.2018.

**Date of second hearing** : 06.03.2019 at 2:00 PM (Camp Court at Tuensang)  
**Date of second Decision** : 12.03.2019.

**Present:**

1. Shri. Tsuknungmeren, District Transport Officer & PIO, Motor Vehicles Department, Tuensang, Nagaland, Mobile No. 9436002514.

**Did not appear for the hearing:-**

1. Shri. Elias T. Lotha, Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Solidary Park, New Secretariat Area, Nagaland, Kohima, Mobile No. 9436011036.
2. The applicant (now appellant), Shri. Chander Dev Katoch.

**FACT OF THE CASE**

The Commission had, on 23.10.2018 at 12:00 Noon heard the second appeal dated 26.07.2018 submitted by Shri. Chander Dev Katoch, D-160/2, 2<sup>nd</sup> Floor Okhla Phase-1, New Delhi-110020, against the non-response of the First Appellate Authority, O/o the Transport Commissioner, Nagaland, Kohima to his first appeal vide letter No.2015211002 dated 22.05.2018 which was submitted against the non-response of the PIO, O/o the District

Transport Officer, Tuensang-798612, Nagaland to his RTI application letter No.2015211002 dated 20.04.2018.

After the hearing on 23.10.2018 at 12:00 Noon, the Commission had passed decision vide even No. dated 26.10.2018. Though specific compliance was not received from the PIO, since the present case regarding DL No.0320100009467 which is in digitised format is the same as DL No.35536/TSG/Prof/10 (old format in non-digitised) as observed by the Commission during the last hearing held on 23.10.2018, the Commission has considered and accepted the compliance received from the PIO vide letter No. DTO-T/MV/21/08/052A dated 17.11.2018 in NIC/ Appeal-7/2018-19 pertaining to the same DL No.35536/TSG/Prof/10 (old format), which was given as below:-

1. Regarding **Point No.1**, re-furnished the information as per the RTI application dated 20.04.2018 to the applicant (now appellant) with a copy to the Commission and the Transport Commissioner & FAA. He further stated that the Driving License No.NL0320100009467 and the old Driving License No. 35536/TSG/Prof/10 which were in the name of Shri. Mohd. Naim had been cancelled vide letter No.DTO-T/MV/21/08/72(A) dated 18.11.2017 in exercise of the authority conferred under Section 19(1) (e) of the M.V Act 1988.
2. Regarding **Point No.2**, the applicant (now appellant) had been requested to comply with the decision of the Commission to submit his satisfaction or non-satisfaction within thirty (30) days, failing which the O/o the DTO, Tuensang would presume that the information provided was satisfied.

However, on not getting any response from the applicant (now appellant) about his satisfaction or non-satisfaction of the information provided by the PIO, the Commission had decided to hold **Camp Court at Tuensang, Nagaland** to hear the appeal case again giving the opportunity of being heard to both the parties on **6<sup>th</sup> March(Wednesday), 2019 at 2:00 P.M.** and also directed the parties **to bring the files and relevant documents** in question for scrutiny, on the above date, time and place for hearing:-

- i. Shri. Elias T. Lotha, Transport Commissioner & FAA, Nagaland, Kohima.
- ii. Shri. Tsuknungmeren, District Transport Officer& PIO, Tuensang, Nagaland.
- iii. The applicant (now appellant), Shri. Chander Dev Katoch, New Delhi.

#### **OBSERVATIONS AND FINDINGS:**

The applicant (now appellant), Shri. Chander Dev Katoch, New Delhi did not appear for the hearing and there was no reason or prior intimation to the Commission regarding his absence.

Shri. Tsuknungmeren, DTO & PIO, Tuensang stated that while re-furnishing the information vide letter dated 17.11.2018, the applicant (now appellant) was requested to submit his satisfaction or non-satisfaction within thirty (30) days, failing which the information provided would presumed to be satisfied. He had,again vide letter No. DTO-T/MV/21/08/067A dated 04.02.2019 wrote to the applicant (now appellant) stating that since there was no response within the given thirty (30) days, the office would presume that the information was satisfied. During the hearing, the PIO further informed that there was no response from the applicant (now appellant) till the date of hearing.

The Commission observed that the DTO & PIO, Tuensang had already re-furnished the information to the applicant(now appellant), however, there was no response from the applicant(now appellant) regarding his satisfaction or non-satisfaction, suggesting that he was satisfied with the information furnished to him.

As observed during the last hearing, since there was no delay in furnishing the information, no penalty was attracted.

**DECISION:**

On the above observations and findings, sufficient time and opportunity was given to the applicant(now appellant) to submit his satisfaction or non-satisfaction, however since there was no response from him, suggesting that he was satisfied with the information so furnished to him, the Commission had disposed of the appeal.

Decision pronounced in the presence of only the respondent during the Camp Court held at Tuensang on 06.03.2019 at 2:00 PM.

Copy be given to:-

1. Shri. Elias T. Lotha, Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Office of the Transport Commissioner, Nagaland, Kohima, Mobile No. 9436011036.
2. Shri. Tsuknungmeren, DTO & PIO, Tuensang, Nagaland – 798612, Mobile No. 9436002514.
3. The applicant (now appellant), Shri. Chander Dev Katoch, D-160/2, 2<sup>nd</sup> Floor, Okhla Phase-1, New Delhi-110020.
4. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website and Notice Board.
5. Office Copy.

Sd/-  
**CHANBEMO LOTH**  
Chief Information Commissioner

Sd/-  
**G. H. RAMLIA**  
State Information Commissioner

Authenticated true copy:-

**(WORHONTHUNG EZUNG)**  
Secretary