

**NAGALAND INFORMATION COMMISSION**

**Officers' Hill, below Raj Bhavan,**

**Post Box No. 148**

**Nagaland, Kohima - 797001.**

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No. NIC/Complaint-1/2018-19

Dated Kohima, the 16<sup>th</sup> November, 2018.

Complainant : Shri. Amit Kumar Banik,  
CID Lane, Opposite DGP Office,  
Nibas apartment-2, Flat No. 3C,  
Ulubari-781007,  
Guwahati, Assam,  
Mobile No.7002307973, email: banikat@gmail.com

Respondent : District Transport Officer & PIO,  
Phek, Nagaland.

Public Authority : Office of the District Transport Officer,  
Phek, Nagaland.

Date of hearing : 13.11.2018 at 1:00 PM.

Date of Decision : 16.11.2018.

Present:

1. Smti. Keneingunuo Clara, Deputy Transport Commissioner, Transport & Motor Vehicles Department, Solidary Park, New Secretariat Area, Nagaland, Kohima, Mobile No. 9436010384.
2. Shri. A. Takomeren, District Transport Officer & PIO, Motor Vehicles Department, Phek, Nagaland, Mobile No. 8787397705.

The applicant (now complainant), Shri. Amit Kumar Banik, CID Lane, Opposite DGP Office, Nibas apartment-2, Flat No. 3C, Ulubari-781007, Guwahati, Assam, Mobile No.7002307973, email: banikat@gmail.com **did not appear** for the hearing.

**FACT OF THE CASE**

An applicant, Shri. Amit Kumar Banik, had submitted an RTI application vide letter Ref.No.CID/2018/1050 dated 04.05.2018 addressed to the PIO & Regional Transport Officer, Phek-797107, Nagaland by post along with the application fee of Rs. 40/- paid through IPO bearing Nos.076707, 076708, 076709 and 076710 seeking the following information pertaining to vehicle bearing registration No.NL-08-A-1668:-

1. *Certified copy of the Registration Certificate of vehicle bearing registration number NL-08-A-1668 registered under your office jurisdiction.*
2. *Certified copy of details of registered owner(s) of the vehicle bearing registration number NL-08-A-1668 registered under your office jurisdiction since registration of the said vehicle at your office till as on date.*
3. *Certified copy of details of transfer of registered ownership of the vehicle bearing registration number NL-08-A-1668 registered under your office jurisdiction since registration of the said vehicle at your office till as on date.*
4. *Certified copy of Fitness Certificate issued to the vehicle bearing registration number NL-08-A-1668 registered under your office jurisdiction.*
5. *Certified copy of the Permit issued in the vehicle bearing registration number NL-08-A-1668 registered under your office jurisdiction.*
6. *Certified copy of all police correspondence, if any, by any Police Station in India in respect to the vehicle bearing registration number NL-08-A-1668 registered under your office jurisdiction being involved in a road traffic accident.*

7. *Certified copy of correspondence by Lekhapani Police Station, if any, in respect to the vehicle bearing registration number NL-08-A-1668 registered under your office jurisdiction being involved in a road traffic accident.*

The District Transport Officer & PIO, Phek had, vide letter No.DTO-Pk/Estt-19/06-07/1292 dated 12.06.2018 furnished the details of the vehicle bearing No.NL-08A-1668 to the applicant in reference to the applicant's RTI letter vide Ref.No.UDAY/2018/05/01 dated 04.05.2018.

However, on receipt of the above reply of the DTO & PIO, Phek, the applicant had, vide letter Ref.No.CID/2018/1060 dated 23.06.2018 submitted a complaint to the Commission stating that he was given **incomplete and wrong information** since the PIO had furnished the reply in reference to a different RTI letter No.UDAY/2018/05/01 dated 04.05.2018 instead of Ref.No.CID/2018/1050 dated 04.05.2018 and without the details of the FAA. Further, he alleged that the PIO had not furnished the information sought in his RTI application No. Ref.No.CID/2018/1050 dated 04.05.2018.

The Commission had, vide Notice of even No. dated 02.08.2018 notified for a hearing on **24.08.2018 at 1:30 P.M.** However, since the DTO & PIO, Phek, Nagaland did not appear for the hearing on 24.08.2018 at 1:30 P.M. without any reason or prior intimation to the Commission, the Commission had, vide letter of even No. dated 28.08.2018 directed the DTO & PIO, Phek to **Show Cause Notice** within two (2) weeks from the date of receipt of the notice as to why disciplinary action should not be recommended against him under Section 20 (2) of the RTI Act, 2006 for failure to appear in the above Hearing and in undermining the Commission.

On receipt of the Notice for hearing, the DTO & PIO, Phek, Nagaland had, vide letter No.DTO-Pk/Estt-19/06-07/3093 dated 12.09.2018 submitted that the Notice for Hearing on 24.08.2018 at 1:30 P.M. was received only after the due date of hearing due to postal delay, owing to which he could not appear for the said Hearing. He submitted that the RTI application No.CID/2018/1050 dated 04.05.2018 was received from the applicant and had furnished the complete information pertaining to the vehicle No.NL-08-A-1668 vide letter No.DTO-Pk/Estt-19/06-07/1292 dated **12.06.2018**. However, in the above reply, the RTI application was mistakenly referred to No.UDAY/2018/05/01 dated 04.05.2018 instead of No.CID/2018/1050 dated 04.05.2018 due to topographical error, which was deeply regretted.

On receipt of the Show Cause Notice, the DTO & PIO, Phek, Nagaland had, vide letter dated 19.09.2018 further submitted that the Notice for Hearing on 24.08.2018 was received only on 25.08.2018 due to postal delay and had enclosed a photo copy of the receipt register. He had also informed that he was transferred and relieved of the office of the DTO Office in Phek on 13.09.2018 and temporarily attached to the Transport Commissioner Office, Kohima. Further, he also stated that the Show Cause Notice dated 28.08.2018 served to him by the Commission was received only on 14.09.2018 and had enclosed photo copy of receipt register.

The Commission has decided to hear the complaint case again giving opportunity of being heard to all the parties on **13<sup>th</sup> November (Tuesday), 2018 at 1:00 P.M** in the **Hearing Room of Nagaland Information Commission, below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima** and had also notified the parties to **bring the files and relevant documents** in question for scrutiny, on the above date and time for hearing:-

1. Shri. A. Takomeren, District Transport Officer & PIO, Phek, Nagaland (now transferred and temporarily attached to Transport Commissioner Office, Kohima).
2. The applicant (now complainant), Shri. Amit Kumar Banik, Guwahati, Assam.

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

The applicant (now complainant), Shri. Amit Kumar Banik did not appear for the hearing and there was no prior intimation regarding his absence.

During the hearing, Shri. A. Takomeren, District Transport Officer & PIO informed that he had recently been transferred from Phek and posted to Longleng, and in his place Shri. Neiketou Mejura had been posted as the new DTO & PIO, Phek. He stated that the RTI application No.CID/2018/1050 dated 04.05.2018 was received from the applicant **on 17.05.2018** and had furnished the complete information pertaining to the vehicle No.NL-08-A-1668 vide letter No. DTO-Pk/Estt-19/06-07/1292 dated **12.06.2018**. However, on receipt of the Notice for hearing, since the RTI application was mistakenly referred to No. UDAY/2018/05/01 dated 04.05.2018 instead of No. CID/2018/1050 dated 04.05.2018 in the above reply, he had, vide letter No. DTO-Pk/Estt-

19/06-07/2228 dated **13.09.2018** written to the applicant(now complainant) stating that though the reference number was wrongly quoted, the contents of his earlier letter contained the complete information pertaining to the vehicle No.NL-08-A-1668 as per office records available. He further stated that he had not received any response from the applicant(now complainant) till date.

Shri. A. Takomeren, District Transport Officer & PIO, Phek (now posted in Longleng) gave the following explanation:-

- For Query Nos. 1 and 2, the registration number of the vehicle and the details of the registered owner were given in the Form No. 24 – “Register of Motor Vehicle”.
- Query No. 3–There was no record of transfer of ownership.
- Query No. 4 – the information was not available however a print out copy of the vehicle history details was given. On enquiry by the Commission, he stated that fitness certificate is given by Motor Vehicle Inspector.
- Query No. 5 – since original permit is with the owner, certified copy of the permit could not be given.
- Query No. 6 and 7 – There were no such correspondences.

The Commission observed that the PIO had furnished only the details of the vehicle bearing Registration No. NL-08-A-1668 but not the point-wise replies as explained above for query Nos. 1 to 7 which the applicant had sought in his RTI application dated 04.05.2018. Further, since the RTI application dated 04.05.2018 was received by the DTO & PIO, Phek on **17.05.2018**, and that the reply furnished on 12.6.2018, there was no delay and hence no penalty was attracted.

**DECISION:**

1. The DTO & PIO, Phek shall furnish the information giving the point-wise replies from query Nos. 1 to 7 of the RTI application dated 04.05.2018 to the applicant (now complainant) and with a copy to this Commission **within thirty (30) days** from the date of receipt of this decision.
2. The DTO & PIO, Phek shall write to the applicant (now complainant) and with a copy to the Commission confirming his satisfaction or non-satisfaction within a certain time limit, failing which the information furnished would deem to be satisfied.

Decision pronounced in the presence of only the respondents on 13.11.2018 at 1:00 PM.

Copy be given to:-

1. Shri. A. Takomeren, District Transport Officer & PIO, (now posted in Longleng).
2. The District Transport Officer & PIO, Phek-797107, Nagaland.
3. The applicant (now complainant), Shri. Amit Kumar Banik, CID Lane, Opposite DGP office, Nibas apartment-2, Flat No. 3C, Ulubari-781007, Guwahati, Assam, Mobile No.7002307973, email: banikat@gmail.com.
4. The Computer Programmer, Nagaland Information Commission for uploading on the Commission’s website and Notice Board.
5. 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