

**NAGALAND INFORMATION COMMISSION**  
**Old Secretariat Complex,**  
**Post Box No. 148**  
**Nagaland, Kohima - 797001.**  
**Tel: 0370-2291798, Fax: 2291774, Website: www.nlsic.gov.in**

No. NIC/Appeal-16/2012-13

Dated Kohima, the 22<sup>nd</sup> October, 2012.

**Subject: Notice for hearing on 20<sup>th</sup> November, 2012 (Tuesday) at 01:00 PM.**

WHEREAS under Section 19 of the Right to Information Act, 2005, the Nagaland Information Commission have received a second appeal dated NIL from an appellant, Mr. Kevi, Assembled Organisation, C/O Post Box No. 721, Kohima Head Post Office, Mobile No. 961529746 wherein the applicant (now the appellant) stated that the information sought vide RTI application dated 01.05.2012 was not furnished within the stipulated time frame of 30 days and hence sought refund of the cost of information paid;

AND WHEREAS the applicant had submitted a RTI application dated 01.05.2012 alongwith the prescribed application fee of Rs. 10/- vide IPO No. 69E 928392 dated 01.05.2012 seeking information on 4 (four) queries to the PIO, Office of the Secretary, Food & Civil Supplies Department, Nagaland;

AND WHEREAS on not receiving any response from the concerned PIO, the applicant had submitted first appeal dated 05.06.2012 to the Secretary & FAA, Food & Civil Supplies Department, Nagaland, Kohima through post on 08.06.2012;

AND WHEREAS Shri. Ramongo Lotha, IAS, Addl. Secretary & PIO, Food & Civil Supplies Department, Nagaland, Kohima, referring to the first appeal dated 05.06.2012 had vide letter No. SPLY-1/16/2011 dated 20.06.2012 informed the applicant(now appellant) that the said application was received by the Department by post only on 14.06.2012 and that the information requested would be furnished on or before 14.07.2012;

AND WHEREAS Shri. K. T. Sukhalu, IAS, Commissioner & Secretary & FAA, Food & Civil Supplies Department, Nagaland, Kohima vide letter No. SPLY-1/16/2011 dated 13.07.2012, referring to the first appeal dated 05.06.2012 had informed the applicant(now appellant) that the information sought was ready for collection on payment of Rs. 10,163.00 (Rupees ten thousand one hundred and sixty three only) being the cost of paper @ Rs. 3/- per page(legal) and Rs. 2/- per page (A4) under Section 7 of the RTI Act, 2005, read with Rule 4(a) of the Nagaland State RTI (Regulation of Fees & Cost) Rules, 2005;

AND WHEREAS on 26.07.2012, the applicant(now appellant) wrote to the Commissioner & Secretary & FAA, Food & Civil Supplies Department, Nagaland, Kohima seeking refund of the amount of Rs. 10,163.00 (Rupees ten thousand one hundred and sixty three only) which was paid as the cost of information, on the ground that the information was provided after the expiry of the 30 days time limit under the provisions of Section 7(6) of the RTI Act, 2005;

AND WHEREAS Shri. H. Lungalang, Joint Secretary, Food & Civil Supplies Department, Nagaland, Kohima, vide letter No. SPLY-1/16/2011 dated 07.08.2012 informed the applicant (now appellant) that the Department had furnished the information within the stipulated time frame of 30

days as per Section 7(1) of the RTI Act, 2005, and also referred to the Department's letter No. SPLY-1/16/2011 dated 20.06.2012 wherein it was informed about the receipt of the application by post and the date as to when the information is to be furnished;

AND WHEREAS the applicant (now appellant) stated that the PIO had not replied to his RTI application dated 01.05.2012 within the stipulated time frame of 30 days. And on being informed in the afternoon of 16.07.2012 to collect the information, the applicant (now appellant) went to collect the information on 17.07.2012, but he was told that unless Rs. 10,163.00 as the cost of Xerox is paid, the reply could not be given. The applicant (now appellant) tried to reason out with the lady officer on duty that the authority should inform in advance about the payment according to the RTI Act. Moreover, the lady officer on duty also told him that the boss had ordered not to disclose in advance about the required payment. Having no alternative, the applicant (now appellant) paid the amount and collected the information. The applicant (now appellant) also stated that the concerned authority did not inform him about the cost under the provision of Section 7(3)(a) of the RTI Act, 2005;

AND WHEREAS the applicant (now appellant) also maintained that the Department had received the first appeal letter dated 05.06.2012 on 12.07.2012 and not on 14.07.2012 as evidenced from the receipt provided by the Sub-Post Master, New Secretariat Complex, S.O, Kohima substantiating his claims, and therefore, sought refund of the cost of information paid to the public authority.

AND WHEREAS the Nagaland Information Commission has decided to hear the appeal, giving opportunity to the parties on **20<sup>th</sup> November, 2012 (Tuesday) 01:00 PM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima.**

NOW THEREFORE, it is notified that the following concerned are directed to appear before this Commission with relevant documents on the above date and time for hearing.

1. Shri. K. T. Sukhalu, IAS, Commissioner & Secretary & FAA, Food & Civil Supplies Department, Nagaland, Kohima
2. Shri. Ramongo Lotha, IAS, Addl. Secretary & PIO, Food & Civil Supplies Department, Nagaland, Kohima,
3. Shri. H. Lungalang, Joint Secretary, Food & Civil Supplies Department, Nagaland, Kohima.
4. Mr. Kevi, Assembled Organisation, C/O Post Box No. 721, Kohima Head Post Office, Mobile No. 961529746.

**(WORHONTHUNG EZUNG)**

Under Secretary

Copy to:-

1. The P.P.S. to the Hon'ble Chief Information Commissioner, Nagaland Information Commission for kind information of the CIC.
2. The P.A to the State Information Commissioner(K), Nagaland Information Commission for kind information of the SIC.
3. The P.A to the State Information Commissioner(B), Nagaland Information Commission for kind information of the SIC.
4. Office Copy.
5. Notice Board.