

NAGALAND INFORMATION COMMISSION
Old Secretariat Complex
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No. NIC/Appeal-22/2012-13

Dated Kohima, the 10th June, 2013.

Subject: Notice for hearing on 19th June, 2013 (Wednesday) at 1:00 P.M.

WHEREAS under Section 19 of the Right to Information Act, 2005, the Nagaland Information Commission have received a second appeal dated 15.11.2012 from an appellant, Mr. Rügeisier, Assembled Organisation, Kohima Village, L. Khel, Post Box No. 907, Kohima Head Post Office, Kohima, Contact No. 9863179789, wherein the applicant (now appellant) stated that he did not receive any information to his RTI application dated 31.07.2012, even after filing first appeal dated 18.09.2012 to the Director & First Appellate Authority, Social Welfare, Nagaland, Kohima, which was submitted against the unsatisfactory response of the PIO, Directorate of Social Welfare, Nagaland, Kohima.

AND WHEREAS, the applicant had earlier submitted RTI application dated 31.07.2012 alongwith the prescribed fee of Rs. 10/- only, to the PIO, Directorate of Social Welfare, Nagaland, Kohima, seeking information regarding procurement of materials under ICDS and Nutrition Programme.

- i. Whether tender was floated for supply of ICDS materials during 2008-09 and for procurement of food items under Supplementary Nutrition Programme during 2009-10?
 - a. If tender was floated, please give details of date of advertisement and in which Newspaper it was published (Newspaper may be produced).
 - b. If open tender was not floated, what were the reason thereof?
 - c. On what basis the supply of the above mentioned items are allotted to M/S C. K. Enterprises, Kohima, M/S Reach Out Society, Duncan Bosti, Dimapur and M/S Khoyo Tribe Women Welfare Society, Midland, Kohima?
- ii. Whether the Department is planning to float open tender for supply of materials under ICDS and Nutrition Programme? If yes, in which newspaper and its likely date.
- iii. Furnish attested copy of (i) Bill Payment Receipt (APR), (ii) Copy of VAT Challan submitted by:
 - a. M/S C. K. Enterprises, Kohima, vide Supply Order No. SW/ICDS/MS-9/2002-03 dated 29.06.2009.
 - b. No. SW/ICDS-9/2009 dated 19.08.2009.
 - c. M/S Reach Out Society, Duncan Bosti, Dimapur vide Supply Order No. SW/SNP-4/2009-10/8 dated 25.03.2010
 - d. M/S Khoyo Tribe Women Welfare Society, Midland, Kohima, vide Supply Order No. SW/SNP-4/2009-10/7 dated 25.03.2010.

AND WHEREAS, Shri. T. Merangtsungba Aier, OSD & PIO, Directorate of Social Welfare, Nagaland, Kohima had, vide letter No. SW/RTI-1/08 dated 30.08.2012, furnished information to the applicant.

AND WHEREAS, on receipt of the information from the OSD & PIO, Directorate of Social Welfare, Nagaland, Kohima, the applicant(now the appellant) had preferred first appeal dated 18.09.2012 to the Director & First Appellate Authority, Social Welfare, Nagaland stating that the information at Sl. No. iii (ii) (a), (b) and (c) regarding VAT Challan were found to be false and misleading and was a fit case of cheating.

AND WHEREAS, on 30.10.2012, Shri. Khevito T. Shohe, Director & FAA, Directorate of Social Welfare, Nagaland, Kohima, had informed the applicant (now appellant) to attend a meeting in his office chamber, wherein the applicant (now appellant) was asked to collect the reply on 05.11.2012.

AND WHEREAS, the applicant (now appellant), in his second appeal dated 15.11.2012 before the Commission submitted that the information had not been furnished till the date of his second appeal.

AND WHEREAS, the Commission had, vide its directive of even No. dated 30.11.2012 directed the Director & First Appellate Authority, Social Welfare, Nagaland, Kohima to reply to this Commission **by 10.12.2012** as to whether proper hearing of the PIO and the applicant (now appellant) was held and also whether a quasi-judicial decision/order has been passed.

AND WHEREAS, the Commission had also, vide its directive of even No. dated 30.11.2012 directed the applicant(now the appellant) to substantiate the allegations that the information provided in response to his RTI application dated 31.07.2012 by the OSD & PIO, Directorate of Social Welfare, Nagaland, Kohima, vide letter No. SW/RTI-1/08 dated 30.08.2012, at Sl. No. iii (ii) (a), (b) and (c) regarding VAT Challan were found to be false and misleading and is a fit case of cheating, and that a reply be furnished to this Commission **by 10.12.2012** after which the Commission shall take necessary follow-up action as deemed necessary.

AND WHEREAS, the Director & First Appellate Authority, Social Welfare, Nagaland, Kohima had, vide letter No. SW/GEN/RTI-1/08 dated 10.12.2012 informed the Commission that since the applicant was not satisfied with the information provided by the PIO, especially the VAT challan, during his meeting with the applicant on 30.10.2012 in his office chamber, had requested the applicant to collect from the Accounts Section within a week's time. The Director & First Appellate Authority, Social Welfare, Nagaland, Kohima further stated that he had heard the applicant's grievances and briefed the PIO and the applicant about the information provided by the PIO that the delay in furnishing the information on time was due to the time taken in obtaining the TV Nos. from the Treasury Office, Kohima (N) and the correspondences taken between his office and the Treasury Office, Kohima (N). And since then the TV Nos. had been obtained from the Treasury Office, Kohima (N) on 21.11.2012, the Treasury Challan was handed over to the applicant on 23.11.2012.

AND WHEREAS, in compliance to the Commission's directive dated 30.11.2012, the applicant(now the appellant) had vide letter dated 10.12.2012 submitted to the Commission the justifications to the allegations made as false on the grounds that:-

- i. the copy of the Treasury Challan No. 29 dated 31.03.2009, under the Full particulars of the remittance column stated as 'Civil Deposit', and under the Head of Account column stated as 'VAT'.

- ii. On 23.11.2012, the Department rectified the Challan copy and provided the copy to the applicant.
- iii. There was no Treasury Challan Number or date, and no signature of the Treasury Authority.

AND WHEREAS, on receipt of the letter No. SW/GEN/RTI-1/08 dated 10.12.2012 sent by the Director & First Appellate Authority, Social Welfare, Nagaland, Kohima, the Commission had, in its directive of even No. dated 05.01.2013 wrote to the Director & First Appellate Authority, Social Welfare, Nagaland, Kohima that the First Appellate Authority, during the hearing of the appellants, should not only provide documents but also pass quasi-judicial orders as per the provisions of the RTI Act, 2005, and also directed that the Director & First Appellate Authority, Social Welfare, Nagaland, Kohima should hold a hearing of the parties (PIO and the appellant) and pass quasi-judicial orders as he deems fit to redress the grievances of the appellant and complete the formalities by **28.01.2013**, with a copy to this Commission.

AND WHEREAS, in compliance to the Commission's directive dated 05.01.2013, the Director & First Appellate Authority, Social Welfare, Nagaland, Kohima had, vide letter No. SW/RTI-2/10 dated 24.01.2013, submitted to the Commission the decision of the first appeal hearing held on 22.01.2013 at 3:00 PM in the office chamber of the Director & First Appellate Authority, Social Welfare Nagaland, Kohima, stating the findings as follows:-

1. The PIO had submitted 3 (three) Nos. of VAT deduction challans on 30.08.2012 without TV No. & date and signature of the Treasury Authority.
2. Challan TV No. 1 dated 31.03.2009 with Treasury Authority was submitted to the applicant on 23.01.2012.
3. The PIO has stated that the Treasury Challan submitted to the Treasury Officer for want of T.V. No. which was not yet given by the Treasury Office inspite of repeated request. Treasury Challan which was submitted to the applicant was just an office copy having no TV No. & date. In this connection, the FAA had written a letter to the Treasury Office.

And had directed the PIO, Social Welfare, Nagaland, Kohima to collect the Treasury Challan from the Treasury Office without further delay and submit the Challan to the applicant.

AND WHEREAS, the Director & First Appellate Authority, Social Welfare, Nagaland, Kohima had, vide letter No. SW/RTI-2/10 dated 24.01.2013, wrote to the Sr. TO(N), Kohima requesting to issue TV No. of bill No. 90 and 91 dated 31.08.2010 amounting to Rs. 71,50,334.00 and Rs. 80,25,000.00 regarding deduction of VAT within one week time.

AND WHEREAS, the Commission had, vide its directive letter of even No. dated 06.02.2013 directed the Director & First Appellate Authority, Social Welfare, Nagaland, Kohima, to ascertain whether the PIO, Social Welfare, Nagaland, Kohima had acted on the decision order of 24.01.2013 in connection to the hearing of the first appeal dated 18.09.2012 held on 22.01.2013 and had furnished the complete Challan with TV No., date and signature of the Treasury Authority to the appellant. And if, furnished, a copy of the documents be forwarded to this Commission for its records and future exigencies.

AND WHEREAS, on receipt of the decision of the first appeal hearing held on 22.01.2013 from the Director & First Appellate Authority, Social Welfare, Nagaland, Kohima, vide No. SW/RTI-2/10 dated 24.01.2013, the Commission had also, vide its directive letter of even No. dated 06.02.2013, wrote to the applicant (now appellant) to ascertain whether the complete Challan with TV No., date and signature of the Treasury Authority was received and was satisfied or not, in order to enable the Commission take final decision on the matter.

AND WHEREAS, in compliance to the Commission's directive dated 06.02.2013, the applicant (now the appellant), vide his letter dated 16.04.2013, informed the Commission that the Director & First Appellate Authority, and the OSD & PIO, Social Welfare, Nagaland, Kohima, had not provided the Challan with TV No., date and signature of the Treasury Authority till the date of writing to the Commission.

AND WHEREAS, on receipt of the complaint letter dated 16.04.2013 from the applicant (now the appellant), the Commission had, in its directive letter dated 22.04.2013, directed the Director & First Appellate Authority, Social Welfare, Nagaland, Kohima, that the complete Challan with TV No., date and signature of the Treasury Authority be furnished to the above appellant **by 02.05.2013**, with a copy to this Commission, and also informed that the case will not be closed till the above information/document is furnished to the appellant.

AND WHEREAS, in compliance to the Commission's directive dated 22.04.2013, Shri. T. Merangtsungba Aier, OSD & PIO, Social Welfare, Nagaland, Kohima, had vide letter No. SW/RTI-2/10/114 dated 02.05.2013, provided 2 (two) challans amounting to Rs. 80,25,000.00 with T.V. No. 1 dated 31.03.2013 and Rs. 71,50,334.00 with T.V. No. 7 dated 31.03.2013 to the applicant (now the appellant).

AND WHEREAS, on receipt of the above 2 (two) challans from the OSD & PIO, Social Welfare, Nagaland, Kohima, vide letter No. SW/RTI-2/10/114 dated 02.05.2013, the applicant (now the appellant) had, vide letter dated 13.05.2013 informed the Commission that the information so received was **incomplete**. Further, the applicant (now the appellant) had also stated that he had sought for VAT remitted Treasury Challan against:-

1. Supply Order No. SW/ICDS/MS-9/2002-03 dated 29.06.2009 amounting to Rs. 22,22,235.00
2. Supply Order dated 19.08.2009 amounting to Rs. 33,33,340.00
3. Supply Order dated 25.03.2010 amounting to Rs. 71,41,827.00
4. Supply Order dated 25.03.2010 amounting to Rs. 71,41,827.00 totalling to Rs. 1,98,39,241.00

However, the remitted amount was Rs. 1,51,75,334.00 as per Treasury Challan provided by the OSD & PIO, Social Welfare, Nagaland, Kohima, and had appealed before the Commission to kindly direct the public authority to provide the information as requested by him.

AND WHEREAS, the Nagaland Information Commission has decided to hear the appeal, giving opportunity to the parties, on **19th June, 2013 (Wednesday) at 1:00 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 and **also to bring the files and relevant documents** in question for scrutiny, on the above date and time for hearing.

- i. Shri. Khevito T. Shohe, Director & First Appellate Authority, Social Welfare, Nagaland, Kohima;
- ii. Shri. T. Merangtsungba Aier, OSD & PIO, Social Welfare, Nagaland, Kohima; and
- iii. The appellant, Mr. Rügeisier, Assembled Organisation, Kohima Village, L. Khel, Post Box No. 907, Kohima Head Post Office, Kohima, Contact No. 9863179789.

(SOYIMNA AIER KOZA)

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. Shri. Khevito T. Shohe, Director & First Appellate Authority, Social Welfare, Nagaland, Kohima;
5. Shri. T. Merangtsungba Aier, OSD & PIO, Social Welfare, Nagaland, Kohima; and
6. The appellant, Mr. Rügeisier, Assembled Organisation, Kohima Village, L. Khel, Post Box No. 907, Kohima Head Post Office, Kohima, Contact No. 9863179789.
7. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
8. Office Copy.