

**NAGALAND INFORMATION COMMISSION**  
**Old Secretariat Complex,**  
**Post Box No. 148**  
**Nagaland, Kohima - 797001.**  
**Tel: 0370-2291041, Fax: 0370-2291774, Website: www.nlsic.gov.in**



No. NIC/Appeal-11/2015-16

Dated Kohima, the 26<sup>th</sup> November, 2015.

Appellant: Smti. Zeneisüle Ate Loucü,  
C 1/6, 2<sup>nd</sup> Floor,  
Sector -52, Ardee City,  
Gurgaon, Haryana – 122001,  
Mobile No. 91-8415068612, 09971020809,  
email: ateau@hotmail.com,

Respondent(s) : 1) Shri. Metsubo Jamir  
Director & First Appellate Authority,  
Rural Development,  
Nagaland, Kohima.

2) Shri. Hilo Semp,  
Additional Director & PIO,  
Rural Development,  
Nagaland, Kohima.

3) Shri. Kevipodi Sophie,  
Project Director & PIO,  
DRDA, Kohima, Nagaland.

Public Authority : Directorate of Rural Development, Nagaland, Kohima.

Date of first hearing : 23.06.2015 at 2:00 PM.  
Date of first Decision : 25.06.2015.

Date of second hearing : 27.10.2015 at 11:00 AM.  
Date of second Decision (Interim) : 29.10.2015.

Date of third hearing : 19.11.2015 at 11:00 AM.  
Date of third Decision : 26.11.2015.

Present:

1. Shri. Metsubo Jamir, Director & FAA, Rural Development, Nagaland, Kohima.
2. Shri. Hilo Semp, Additional Director & PIO, Rural Development, Nagaland, Kohima.
3. Shri. Kevipodi Sophie, Project Director & PIO, DRDA, Kohima, Nagaland.
4. Smti. T. Achila Quinker, DPO & APIO, DRDA, Kohima, Nagaland.
5. Smti. Avinuo Rio, BDO & APIO, Chiephobozuo, Kohima, Nagaland.

The applicant(now appellant), Zeneisüle Ate Loucü, C 1/6, 2<sup>nd</sup> Floor, Sector -52, Ardee City, Gurgaon, Haryana – 122001, Mobile No. 91-8415068612, 09971020809, email: ateau@hotmail.com did not appear for the hearing.

## **FACT OF THE CASE.**

The Commission had, for the second time on 27.10.2015 at 11:00 AM heard the Second Appeal dated **24.05.2015** received from Smti. Zeneisüle Ate Loucü, C 1/6, 2<sup>nd</sup> Floor, Sector -52, Ardee City, Gurgaon, Haryana – 122001, Mobile No. 91-8415068612, 09971020809, email: atEAU@hotmail.com, which was filed against the reply to her RTI application dated 12.12.2014, stating that the PIO, DRDA, Kohima, Nagaland had knowingly furnished incorrect, misleading and illegible documents and that in response to her subsequent first appeal dated 05.03.2015, the FAA had illegally, malafidely and contrary to the provisions of the RTI Act rejected her appeal merely on the ground that the applicant was not present during the hearing.

The applicant (now appellant) did not appear for the hearing on 27.10.2015 at 11:00 AM. The Commission had received an email dated 26.10.2015 sent by her on 27.10.2015 at 08:51 AM and 09:16 AM stating her inability to attend the hearing on 27.10.2015 at 11:00 AM and to fix the next hearing **within two weeks time.**

And after hearing the parties on 27.10.2015 at 11:00 AM, since in the absence of the applicant (now appellant) the Commission could not ascertain what she actually wanted, the Commission had passed an exparte interim decision vide even No. dated **29.10.2015**, wherein the Commission had reserved its decision for the next hearing to be held on **19<sup>th</sup> November, 2015 (Thursday) at 11:00 AM.**

## **OBSERVATIONS AND FINDINGS:**

The applicant (now appellant) did not appear for the hearing scheduled on 19.11.2015 at 11:00 AM. and there was no prior information to the Commission regarding her absence. The Commission had waited for about **40 (forty) minutes** for the applicant (now appellant), however, since she did not turn up for the hearing and several cases were scheduled to be heard on the same day, the Commission started the hearing only at around 11:40 AM.

During the hearing held on 19.11.2015, Shri. Kevipodi Sophie, Project Director & PIO, DRDA, Kohima submitted that all relevant information sought by the applicant (now appellant) had already been furnished on 07.01.2015.

On scrutiny of the documents and on the inquiry by the Commission as to how the cost of information was intimated by the Project Director & PIO, DRDA, Kohima on 19.01.2015 **after** the information was furnished on 07.01.2015, Shri. Kevipodi Sophie, Project Director & PIO, DRDA, Kohima clarified that the information was readied to be furnished vide letter No. DRDA/002/RTI/CPU/2012/36-38 dated **07.01.2015**. However, since the applicant (now appellant) was residing outside the State and could not be contacted over the phone, the information could not be sent then. It was only on 19.01.2015 when the applicant (now appellant) could be contacted, the cost of information was intimated by e-mail. And in response to the email dated 19.01.2015 sent by the PIO, the applicant had on 04.02.2015 replied by email to the PIO stating that she would sent someone to pay the cost of information. And on payment of the cost of information on 06.02.2015, the information was delivered by her representative. The applicant (now appellant) received the information from her representative on 19.02.2015.

The Commission observed that during the hearings on 27.10.2015 and on 19.11.2015, the Project Director & PIO, DRDA, Kohima had submitted that all the relevant and available information sought by the applicant (now appellant) had already been furnished. However, since the applicant (now appellant) did not appear on both the hearings, the Commission could not ascertain what she actually wanted and had reserved its decision for the next hearing.

And as requested by the applicant (now appellant) vide her email dated 26.10.2015 sent on 27.10.2015 at 08:51 AM and 09:16 AM. to fix the next hearing **within two weeks time**, the Commission had reserved its decision and scheduled/notified for the next hearing on 19.11.2015 at 11:00 AM.

However, **again for the second time**, neither the applicant (now appellant) nor her representative had appeared for the hearing on 19.11.2015 at 11:00 AM. without any information to the Commission, and inspite of the Commission having waited for about **40 (forty) minutes**.

The Commission observed that inspite of conceding to the request of the applicant (now appellant) to fix the next hearing **within two weeks time**, and sufficient opportunities of being heard given on 27.10.2015 and 19.11.2015, neither the applicant (now appellant) nor her representative had appeared for the hearings.

### **DECISION:**

On the above observations and findings, since the applicant (now appellant) was conspicuously absent without any communication to the Commission and that Shri. Kevipodi Sophie, Project Director & PIO, DRDA, Kohima had furnished all the relevant information to the applicant (now appellant), the Commission had heard the appeal case **exparte** and had decided to **dispose off the case**.

Decision pronounced in presence of only the respondents on 19.11.2015.

Copy be given to:-

1. Shri. Metsubo Jamir, Director & FAA, Rural Development, Nagaland, Kohima, Mobile No. 7085190831.
2. Shri. Hilo Semp, Additional Director & PIO, Rural Development, Nagaland, Kohima, Mobile No.9436000693.
3. Shri. Kevipodi Sophie, Project Director & PIO, DRDA, Kohima, Mobile No. 9436005096.
4. Smti. T. Achila Quinker, DPO & APIO, DRDA, Kohima, Mobile No. 9436009166.
5. Smti. Avinuo Rio, BDO & APIO, Chiephobozuo, Kohima, Mobile No. 9436016610.
6. The applicant(now appellant), Smti. Zeneisüle Ate Loucü, C 1/6, 2<sup>nd</sup> Floor, Sector -52, Ardee City, Gurgaon, Haryana-122001, Mobile No. 91-8415068612, 09971020809, email: ateau@hotmail.com.
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**BUKCHEM PHOM**

State Information Commissioner

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**(WORHONTHUNG EZUNG)**

Deputy Secretary