

NAGALAND INFORMATION COMMISSION

**Old Secretariat Complex,
Post Box No. 148**

Nagaland, Kohima - 797001.

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No. NIC/Appeal-25/2015-16

Dated Kohima, the 28th January, 2016.

Appellant: Shri. Vikheto Zhimomi,
P.R Hill,
Kohima,
Mobile No. 9615115300, 9089896123.

Respondent(s) : 1) The Director & First Appellate Authority,
Directorate of Urban Development,
Nagaland, Kohima.

2) The concerned PIO,
Directorate of Urban Development,
Nagaland, Kohima.

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

Date of hearing : 22.01.2016 at 12:00 PM.

Date of Decision : 28.01.2016.

Present:

- i) Shri. Ken Kreditsu, Director & First Appellate Authority, Directorate of Urban Development, Nagaland, Kohima, Mobile No. 9436000312.
- ii) Er. Ketouzo Peseyie, EE & PIO, Directorate of Urban Development, Nagaland, Kohima, Mobile No. 9436005484.
- iii) Shri. T. Temjen Jamir, Deputy Director & PIO, Directorate of Urban Development, Nagaland, Kohima, Mobile No. 9436832035.
- iv) Shri. Tarachu Fithu, Deputy Director & APIO, Directorate of Urban Development, Nagaland, Kohima, Mobile No. 9436005307.
- v) Shri. Petevilie Khatsu, Assistant Director, Directorate of Urban Development, Nagaland, Kohima, Mobile No. 9436017924.
- vi) Er. Keneizezo, SDO & APIO, Directorate of Urban Development, Nagaland, Kohima, Mobile No. 9436604253.
- vii) The applicant (now the appellant), Shri. Vikheto Zhimomi, P.R Hill, Kohima, Mobile No. 9615115300, 9089896123.

FACT OF THE CASE.

An applicant, Shri. Vikheto Zhimomi, P.R Hill, Kohima, Mobile No. 9615115300, 9089896123 had submitted an RTI application dated 10.08.2015 addressed to the PIO, Directorate of Urban Development, Nagaland, Kohima alongwith the prescribed application fee of Rs. 10/- (Rupees ten only) paid in cash seeking the following information for public interest:-

- i. *true copy of Sanction/Release Orders for 2013-14 Annual Plan.*
- ii. *Work Orders for 2013-14 Annual Plan.*
- iii. *All the Actual Payee Receipts (APRs) for 2013-14 Annual Plan.*
- iv. *All completion certificates and also the name & designation of the officers who inspected the work allotted during 2013-14.*
- v. *The amount kept in CD (Civil Deposit) from 2013-14 Annual Plan. If any, furnish photocopy of documents.*
- vi. *Maintain all the ongoing/incomplete works allotted during 2013-14 Annual Plan.*
- vii. *All the photocopy of Challan deposited in Government account for deduction in the form of various taxes during 2013-14 Annual Plan.*

The above RTI application dated 10.08.2015 was sent by Speed Post bearing No. EE431314155IN dated 10.08.2015 and was delivered to the PIO on 12.08.2015 as per the Detailed Track Events downloaded from the website and enclosed by the applicant.

On receipt of the above RTI application dated 10.08.2015, Er. Ketouzo Peseyie, Executive Engineer, Urban Development, Nagaland, Kohima had, vide letter No. EE/UD/RTI/2011-12/part-2/16 dated **17.09.2015** furnished the information to the applicant on payment of Rs. 980/- (Rupees nine hundred and eighty only). The applicant had received the information with the payment of Rs. 980/- on **18.09.2015**.

However, the applicant had, vide letter dated 18.09.2015 wrote to the PIO, Directorate of Urban Development, Nagaland, Kohima stating that the RTI application which was sent by Speed Post bearing No. EE431314155IN dated 10.08.2015 was received on 12.08.2015 as per the Detailed Track Events and since the information was provided on 17.08.2015 after the 30 days time limit which expired on 11.09.2015, he had requested the PIO, Directorate of Urban Development, Nagaland, Kohima to exempt the cost of information as per the RTI Act.

The applicant had submitted first appeal dated **21.09.2015** to the First Appellate Authority, Directorate of Urban Development, Nagaland, Kohima stating that the information so received was **incomplete** and **not satisfied** and hence requested to **re-furnish** the information.

And on receipt of the first appeal dated 21.09.2015 on **22.09.2015**, the Director & First Appellate Authority, Directorate of Urban Development, Nagaland, Kohima had, vide letter No. UD/NUIS-RTI-2015/case-2/105 dated 02.11.2015 furnished the information to the applicant (now appellant).

On receipt of the information furnished by the Director & First Appellate Authority, Directorate of Urban Development, Nagaland, Kohima in response to the first appeal dated 21.09.2015, the applicant (now appellant) had submitted a second appeal dated **03.12.2015** to this Commission stating that the information was **still incomplete and unsatisfied**. The applicant (now appellant) had specified the grounds for non-satisfaction and incomplete information since:-

- a. Query No. 1, the total amount as per the sanction orders and the departmental final expenditure figures for 2013-14 Annual Plan do not match.
- b. Query Nos. 2 & 4, the total amount sanctioned and the Work order allotted do not match. There was no work order and completion certificate in some of the schemes and projects.
- c. Query No.5, the public authority does not maintain clearly the amount kept in civil Deposit from 2013-14 Annual Plan.

Further, the applicant (now appellant) submitted that his request under Sub-section 6 of Section 7 to exempt the cost of information as the information was provided after the expiry of the stipulated time limit was **rejected**.

Since the applicant (now appellant) was not satisfied with the information furnished by the Executive Engineer after the stipulated time frame in response to his RTI application dated 10.08.2015 and by the Director & FAA, Urban Development, Nagaland, Kohima in response to his first appeal dated 21.09.2015, the Commission has decided to hear the appeal, giving opportunity to all the parties on **22nd January, 2016 (Friday) at 12:00 PM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima.**

OBSERVATIONS AND FINDINGS:

During the hearing, the applicant (now appellant) pointed out that there were mis-match figures in the total amounts between the sanction orders and the departmental final expenditure figures for Annual Plan 2013-14 and also the total amount sanctioned and the Work Orders allotted.

Regarding **Query No. 1**, the applicant (now appellant) pointed out that the total amount as per the sanction orders and the departmental final expenditure figures for Annual Plan 2013-14 did not match. Sanction Orders for more than Rs. 75.00 lakhs were not given or missing and hence questioned about the missing amount. And regarding **Query Nos. 2 & 4**, the total amount sanctioned and the Work order allotted do not match in the Town Protection and NDS

(Neighbourhood Development Scheme). The applicant submitted that he had not received the work orders and completion certificates in some of the schemes and projects.

On the above, the FAA submitted that he would try to find out the missing amounts of more than Rs. 75.00 lakhs. While for NDS, the FAA submitted that since NDS came in two (2) instalments, the complete or remaining records might not have been given and hence he would try to find out and furnish.

The Commission appreciated that the applicant (now appellant) had researched well with the information so received from the PIO. However, the Commission had observed that there was a delay of five (5) days in furnishing the information to the applicant (now appellant).

On the delay of furnishing the information to the applicant (now appellant), the PIO submitted that the delay was due to the time taken in collecting the information from the districts, and therefore he had requested the Commission to condone the penalty for the delay.

DECISION:

On the above observations and findings, the Commission decided that:-

1. The FAA, PIO and the applicant (now appellant) shall set up a **joint sitting** at their convenient date and time to revisit on the information furnished by the PIO as the applicant (now appellant) had expressed his dissatisfaction with the information and submit the report of the outcome on or before **15.02.2016** to the Commission in order to examine the case for further decision.
2. since the PIO had expressed that his 5 (five) days of delay in furnishing the information to the applicant (now appellant) was caused due to the extra time required for collecting the information and that some information had already been furnished, the delay is, therefore **condoned**.
3. since the information was provided after the expiry of the 30 days time limit, the PIO is directed to **refund** the amount of Rs. 980/- (Rupees nine hundred and eighty only) collected from the applicant (now appellant) as the cost of information.

Decision pronounced in the presence of all parties on 22.01.2016.

Copy be given to:-

1. Shri. Ken Kreditsu, Director & First Appellate Authority, Directorate of Urban Development, Nagaland, Kohima, Mobile No. 9436000312.
2. Er. Ketouzo Peseyie, EE & PIO, Directorate of Urban Development, Nagaland, Kohima, Mobile No. 9436005484.
3. Shri. T. Temjen Jamir, Deputy Director & PIO, Directorate of Urban Development, Nagaland, Kohima, Mobile No. 9436832035.
4. The applicant (now the appellant), Shri. Vikheto Zhimomi, P.R Hill, Kohima, Mobile No. 9615115300, 9089896123.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
6. Office Copy.

Sd/-
BUKCHEM PHOM
Chief Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary