

NAGALAND INFORMATION COMMISSION  
OLD SECRETARIAT COMPLEX,  
POST BOX NO. 148  
NAGALAND  
KOHIMA – 797001

No. NIC/Appeal-16/2008

Dated Kohima, the 24<sup>th</sup> September, 2008

**Appellant** : **Shri Visheke,  
Chairman, Ad hoc Committee, SMC  
Sugar Mill Village, Dimapur.**

**Respondent  
Public Authority** : **Department of Industries and Commerce,  
Nagaland. Office of the Director of  
Industries, Kohima.**

**Present** - **1. Shri Visheke  
2. Er. Thekruneituo Kire,  
PIO and Additional Director of Industries & Commerce  
3. Er. G. Keppen Rengma, AA & Director of  
Industries & Commerce.**

The Commission received an appeal from Shri Visheke, Chairman, Ad hoc Committee, SMC Dimapur Sugar Mill Village dated 5.8.2008 stating that he had submitted RTI application to the Public Information Officer (PIO) Office of the Director, Industries and Commerce on 2.6.2008 seeking information on Cheque No. 331998 dated 23.04.2004 and second submission was made on 27.06.2008 but information demanded was not received. Since he requested the higher authority (Commission) to look into the matter.

The RTI application dated 02.06.2008 addressed to PIO, Office of Director of Industries and Commerce sought 3 informations on Cheque No. 331998, to which a reply was given on 11.6.2008 by Er. G. Keppen Rengama, Director of Industries and Commerce. Shri Visheke submitted his second RTI application to PIO, Office of the Director of Industries & Commerce on 27.6.2008 on the same subject expressing dissatisfaction on the reply of 11.6.2008. To this a reply was given on 18.7.2008 by Er. Thekruneituo Kire, PIO and Additional Director of Industries & Commerce informing that the Department was unable to furnish the information as the issue was under investigation by the CBI in pursuance of High Court Order, quoting exemption under Section 8 (i) (h) of the RTI Act 2005. The applicant was informed that he may appeal to the Appellate Authority of Directorate of Industries & Commerce, Er. G. Keppen Rengma, Director.

Er. G. Keppen Rengma, Director of Industries & Commerce Appellate Authority (AA) stated that since the PIO Er. Thekruneituo Kire was then on leave, he had given reply to the RTI application of 2.6.2008. Er. Thekruneituo Kire PIO stated that he had given reply to the RTI Application of 27.6.2008 which was on the same subject, on 18.7.2008.

Shri Visheke submitted that he submitted the second application dated 27.6.2008 as his first application was not properly dealt with and that he had approached the Commission

with this Second Appeal as he felt that the first reply was given by the Director who is the Appellate Authority.

The Commission finds that the appeal is yet to be dealt with by the First Appellate Authority. In this case the First Appellate Authority is Er. G. Keppen Rengma, who has already given a reply when the application was first at the stage of PIO.

The Commission therefore remand this appeal to Shri Imkonglemba IAS, Commissioner & Secretary and Appellate Authority to dispose this Appeal as the First Appellate Authority within the prescribed period as per provisions of RTI Act 2005.

Copy of this order be given to

1. The Parties
2. Shri Imkonglemba, IAS, Commissioner & Secretary, Industries & Commerce and First Appellate Authority.

Sd/-  
**P. TALITEMJEN AO, IAS (Rtd)**  
Chief Information Commissioner  
Nagaland.

Sd/-  
**REV.DR. W. PONGSING KONYAK**  
State Information Commissioner,  
Nagaland.

Sd/-  
**DR. KUHOI K ZHIMOMI**  
State Information Commissioner  
Nagaland

Authenticated by

(ADINO )  
Sr. P.S. to Chief Information Commissioner,  
Nagaland.