

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

No. NIC/Compln-13/2008

Dated Kohima, the 30th July , 2008

COMPLAINANT : SHRI WEKHRO KROME,  
RESPONDENT : DEPARTMENT OF POWER  
PUBLIC AUTHORITY : GOVT OF NAGALAND  
OFFICE OF THE EXECUTIVE ENGINEER  
POWER DEPARTMENT PHEK,  
S.D.O. (POWER) ELECTRICAL  
DEPARTMENT, PFUTSERO.

**DATE OF HEARING - 30.7.2008**

**Present : (1) Shri Wekhro Krome, Complainant.  
(2) Appellate Authority and Deputy Chief Engineer (Power)  
Nagaland.**

**The Public Information Office (PIO) Office of the Executive  
Engineer, Power, Pfutsero was absent.**

FACTS

Shri Wekhro Krome, C/o P.O. Box No. 27 Kohima – 797001, Kohima, Nagaland submitted an application addressed to the PIO and S.D.O. Electrical Pfutsero under RTI Act 2005 on 30.4.2008 requesting 3 (three) items of information as follows.

1. How many villages are electrified under the mentioned area ?
2. Please specify how many houses have been electrified under each village mentioned in the question No.1 ?
3. What is the total amount of funds been allocated for the electrification of the block in the past 3 years (2005-2006, 2006-2007, 2007-2008) Give the names of the villages.

along with Fee of Rs. 10/- in cash. The Office of the S.D.O. Electrical Sub-Division Pfutsero furnished to him information sought Serial No. 1 and 2 which he received on 30.5.2008. Since he did not receive all the information sought, he submitted an appeal to the Appellate Authority, Department of Power, Nagaland, Kohima dated 27.6.2008 stating that the information sought as Serial No. 3 above was not furnished to him. The appeal application was received by the Appellate Authority and Deputy Chief Engineer (Power) on 30.6.2008, who made an endorsement to the E.E. (Electrical) Phek on the body of the application on the same date.

The applicant Shri Wekhro Krome there upon has submitted a complaint under the RTI Act to the Commission on 1.7.2008 stating that unsatisfied with incomplete information received from the PIO Electrical Department Pfutsero he had approached the Appellate Authority, Department of Power Nagaland, Kohima on 27.6.2008. The complaint letter stated that the concerned Officer i.e. the Appellate Authority and Deputy Chief Engineer (Power) had referred the appeal petition to E. E (E) Phek and had returned the appeal petition to him and hence, he was putting in a complaint for incomplete information and no action done on his appeal by the Appellate Authority.

The Commission as per provision Section 18 of the Act issued notice to the parties concerned for enquiry and hearing on 30.7.2008.

The Complainant Shri Wekhro Krome stated that he had taken the RTI application personally to the S.D.O. Electrical Sub-Division, Pfutsero on 30.4.2008. The Officer received the application and made an endorsement on the application itself directing a staff of his Office to collect the data and furnish to the applicant. He had informed the officer that he is entitled to get information within 30 days but there was no mention or any reference when he met the officer that the application was under RTI. He received the information sought at Serial Nos. 1 and 2 on 30.5.2008 from the S.D.O. Electrical Sub-Division Pfutsero. However, as the information was incomplete he had gone to the Office of the Chief Engineer (Power) Nagaland, Kohima with an appeal as per provision of the Act. He first approached Additional Chief Engineer (Power) who refused to accept the application and advised him to approach the PIO at Phek. There upon he approached the Deputy Chief Engineer (Power) who is the Appellate Authority for the District. The officer accepted the appeal, made an endorsement on the body of the application to "E.E.(E) Phek-exofficio – PIO" to give information as required, and handed back the appeal application to him (Shri Wekhro Krome). He submitted that the concerned Officer had referred the appeal to E.E. (E) Phek and no action was taken by the Appellate Authority and hence he had submitted complaint to the Commission as per Provision of the RTI Act.

The Commission enquired from the first Appellate Authority and Deputy Chief Engineer (Power) whether the Department had designated PIO or APIO of the Department at Pfutsero. The Appellate Authority informed the Commission that the Department had not designated any PIO or APIO at Pfutsero and that the PIO, Electrical Division at Phek covers Pfutsero Electrical Sub-Division also. He also informed the Commission that he had only made an endorsement at the body of the application to the E.E.(E) Phek to give information and handed back the appeal application to the appellant on the same day i.e. 30.6.2008. He had not passed any formal order nor issued formal decision to the PIO.

The Commission pointed out that the First Appellate Authority is required to issue necessary decision and orders on the appeal application within 30 days or 45 days in certain circumstances for which justification is to be given. The Commission observe that in this case both the Parties have not properly followed the provisions of the Act in submitting the application and in dealing with it. The Commission therefore reserve passing any orders in this case till the statutory period of 45 days is over.

Pronounced in Open Proceedings today 30.7.2008.

Copy of this decision be given to the Parties.

One copy each be given to

1. The Commissioner and Secretary to Government of Nagaland, Power Department, Kohima.
2. The Chief Engineer, Power. Nagaland
3. The Deputy Chief Engineer (Power) and Appellate Authority, Kohima, Nagaland.

Sd/-

**P. TALITEMJEN AO**  
Chief information Commissioner,  
Nagaland

Sd/-

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

Sd/-

**DR. KUHOI K ZHIMOMI**  
State Information Commissioner,  
Nagaland.

**Authenticated**

( **ADINO** )

Sr. P.S. to Chief Information Commissioner,  
Nagaland.