

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

No. NIC/Compln-24/2008

Dated Kohima, the 22nd December, 2008

Complainant : Shri Eduzu Theluo Vadeo,
PWD Colony,
Kohima Town.

Respondent : Department of Power
Public Authority : Nagaland.
Office of the Chief Engineer, Power
Kohima.

Date of Hearing - 17.12.2008

Present : (1) Shri David Sangtam representing Shri E.T. Vadeo.
**(2) Shri T. Angami, Public Information Office (PIO), Chief Engineer
Power Office, Kohima.**

Facts.

Shri Eduzu Theluo Vadeo, PWD Colony, Kohima Town submitted a complaint under section 18 of the RTI Act 2005 on 11.11.2008 stating that he had submitted an RTI Application on 7.10.2008 to the PIO, Office of the Chief Engineer, Power, Kohima seeking information but that the PIO had failed to provide the information nor disposed off the application within the prescribed period.

Shri David Sangtam stated that he had been deputed by E.T. Vadeo to represent him, that the information sought had not been received from the PIO till 16.12.2008.

Shri T. Angami, PIO submitted that the informations sought vide RTI application of **7.10.2008** were ready by **25.10.2008** but the applicant did not come to collect the same nor could he send the same as the applicant's address was not clearly given. However he had informed Shri Eduzu Theluo Vadeo on **12.12.2008** that the informations were ready. The same were collected on **16.12.2008**.

On being asked, Shri David Sangtam **was not sure** (1) whether it was arranged while submitting RTI application on 7.10.2008 that the informations were to be personally collected or to be sent, (2) whether there was telephone call from PIO of Chief Engineer Power Office on 12.12.2008 to collect the informations sought. He stated that the first 7 items of the informations sought were reportedly received from the PIO on 16.12.2008 but the remaining 3 items, Serial Nos. 8, 9 & 10 were not furnished.

In view of complainant's representative's inability to explain or inform the Commission about the queries (1) & (2) above, the Commission refixed the hearing to continue at 1330 hrs.on 18.12.2008.

On 18.12.2008, the PIO Shri T. Angami was present. Information was received that neither Shri E.T. Vadeo nor representative would be attending, and hence none was present from the Complainant's side. The PIO stated that he had nothing more to add to his statement made on 17.12.2008.

Decision

The Commission observed that RTI application with prescribed fee was received by PIO on 7.10.2008 and the information should have been furnished by 6.11.2008. There has been a delay of 37 days. Even though the information is stated to have been ready by 25.10.2008, the same were not actually furnished to the applicant till **16.12.2008**, after informing the applicant on phone on 12.12.2008 that the same were ready.

As per section 20 of the RTI Act 2005, a penalty at the rate of Rs. 250/- per each day of delay in furnishing information sought is imposeable on the PIO for failure to furnish information without reasonable cause, subject to maximum of Rs. 25,000/-

The Commission therefore direct Shri T. Angami PIO, Chief Engineer, Power Office Kohima to show cause as to why he should not pay penalty of Rs. 250/- per each day of delay for the period from **7.11.2008** to **15.12.2008** (37 days), subject to maximum of Rs. 25,000/- under section 20 of the RTI Act, within 10 workings day from the date of pronouncement of this decision, in writing.

The applicant's representative had stated on 17.12.2008 that only the first 7 items of information sought on 7.10.2008 were furnished on 16.12.2008. Hence the Commission direct that the remaining items of information sought on 7.10.2008, i.e. serial Nos. 8,9 & 10 should be furnished to the applicant within 10 working days from the date or pronouncement of this decision.

Pronounced in Open Proceedings today 18.12.2008.

Copies be given to the Parties.

Copy be given to:

1. The Commissioner & Secretary, Power, Nagaland, Kohima.
2. The Chief Engineer, Power, Nagaland, Kohima.

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

Under Secretary
Nagaland Information Commission
Kohima