

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/Complaint-3/2014-15

Dated Kohima, the 18th December, 2014.

Complainant: Shri. Tsuktimeren,
Chairman,
Kichutip Ward,
Mokokchung Town, Nagaland,
Mobile No. 9856582291,
C/o Sashiyanger,
Surveyor,
DNRE, Nagaland, Kohima

Respondents: 1. The Chief Engineer & First Appellate Authority,
Power, Nagaland, Kohima.

2. Er. Moa Aier,
Executive Engineer & PIO,
Mokokchung Electrical Division,
Mokokchung, Nagaland.

Public Authority : Power, Nagaland, Kohima.

Date of first Hearing : 09.09.2014 (Tuesday) at 12:00 PM.
Date of Interim Decision: 16.09.2014.

Date of Final Hearing : 12.12.2014 (Thursday) at 11:00 AM.
Date of Final Decision: 18.12.2014

Present:

1. Er. Moa Aier, Executive Engineer & PIO, Mokokchung Electrical Division, Mokokchung, Nagaland.
2. Er. Nungsang Jamir, SDO(TC) & APIO, Mokokchung Electrical Division, Mokokchung, Nagaland.
3. Shri. I. Imti Longchar, Advocate, Kohima, Mobile No. 9436000489.
4. Shri. Supongwati Walling, Advocate, Kohima Mobile No. 8119849917.
5. Ms. Sashimongla Jamir, Advocate, Kohima Mobile No. 8119849915.

6. The applicant(now the complainant), Shri. Tsuktimeren, Chairman, Kichutip Ward, Mokokchung Town, Nagaland, Mobile No. 9856582291, C/o Sashiyanger, Surveyor, DNRE, Nagaland, Kohima **did not appear** for the hearing.

FACT OF THE CASE:

The Commission had, **on 09.09.2014** (Tuesday) at 12:00 PM. heard the complaint dated 07.07.2014 received from an applicant, Shri. Tsuktimeren, Chairman, Kichutip Ward, Mokokchung Town, Nagaland, Mobile No. 9856582291, C/o Sashiyanger, Surveyor, DNRE, Nagaland, Kohima, against the non-response to his RTI application dated 12.03.2014.

The first hearing was held on **09.09.2014** (Tuesday) at 12:00 PM. with the following:-

1. Er. Imli Kumzuk Ao, Additional Chief Engineer, Power, Nagaland, Kohima represented the Chief Engineer & First Appellate Authority, Power, Nagaland.
2. Er. Moa Aier, Executive Engineer & PIO, Mokokchung Electrical Division, Mokokchung, Nagaland.
3. The applicant(now the complainant), Shri. Tsuktimeren, Chairman, Kichutip Ward, Mokokchung Town, Nagaland, Mobile No. 9856582291, C/o Sashiyanger, Surveyor, DNRE, Nagaland, Kohima.
4. Shri. I. Imti Longchar, Advocate, Kohima, Mobile No. 9436000489.

5. Shri. Sashi Imchen, Secretary, Kichutip Ward, Mokokchung, Nagaland, Mobile No. 9436215369.
6. Shri. I. Panger Kichu, Ex-Member, Kichutip Ward, Mokokchung, Nagaland, Mobile No. 9436607982.
7. Shri. Alemnnungsang, Member, Kichutip Ward, Mokokchung, Nagaland, Mobile No. 9615193033.
8. Shri. Sanglipong, Member, Kichutip Ward, Mokokchung, Nagaland, Mobile No. 9856363695.
9. Ms. Mongyung Konyak, Advocate, Kohima Mobile No. 9862593953.
10. Ms. Elizabeth Ezung, Advocate, Kohima Mobile No. 9436612592.
11. Ms. Mhayani Kikon, Advocate, Kohima Mobile No. 9856337015.

The Commission had, after hearing the parties passed decision on **16.09.2014**, stating that the complaint shall be declared closed only after compliance to the above decision of the Commission is received.

And in compliance to **Point No. 1** of the decision of the Commission dated 16.09.2014, Er. Moa Aier, Executive Engineer & PIO, Mokokchung Electrical Division, Mokokchung, Nagaland had, vide letter No. MEL/TB-53/75 dated 25.09.2014 submitted the report of the Joint Verification Team which was set up vide letter No. MEL/TB-53/64 dated 18.09.2014 comprising of the SDO(E), Mokokchung; the Meter Inspector, Mokokchung Electrical Division; the Chairman of Aongza Ward; the Chairman of Aongza Ward, UEMB; and the applicant, Shri. Tsuktimeren, Chairman, Kichutip Ward, Mokokchung Town to conduct site verification starting from 23.09.2014.

Further, Er. Moa Aier, Executive Engineer & PIO, Mokokchung Electrical Division, Mokokchung, Nagaland had explained the reasons in the differences in the 103 consumers and the 123 households and also submitted that after the site verification conducted by the Joint Verification Team on 23.09.2014, there were no contradiction to the 103 consumers and the 123 households, which was found to be correct and accepted by all the members of the Joint Verification Team.

And in compliance to **Point No. 2** of the decision of the Commission dated 16.09.2014, Er. Moa Aier, Executive Engineer & PIO, Mokokchung Electrical Division, Mokokchung, Nagaland had also enclosed a copy of the report of the Joint Verification Team dated 23.09.2014 which states that:-

1. *It is found that 123 Nos. of consumers at Aongza Ward were tapping power through cut point meter from Kichutip Ward before power network segregation.*
2. *It is found that 1 (one) No. of consumer at Yimyu Ward were tapping power through cut point meter from Kichutip Ward before power network segregation.*

However, since the applicant(now the complainant), Shri. Tsuktimeren, Chairman, Kichutip Ward, Mokokchung Town had vide letter dated 27.09.2014 submitted to the Commission that the required information was furnished on 27.09.2014, **after a delay of 169 days**, and therefore, requested the Commission for imposing penalty on the PIO, as decided at **Point No. 2** of the decision of the Commission dated 16.09.2014, the Commission has decided to hear again the complaint, giving opportunity to the parties, on **12th December, 2014 (Friday) at 11:00 AM**, in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima**.

OBSERVATIONS AND FINDINGS:

During the second hearing held on 12.12.2014 at 11:00 AM, the legal counsel of the applicant(now complainant), Shri. I. Imti Longchar, Advocate, Kohima submitted that he was **satisfied** with the information provided by Er. Moa Aier, Executive Engineer & PIO, Mokokchung Electrical Division, Mokokchung, Nagaland on 27.09.2014, however, he insisted on imposing of penalty on the PIO for the delay in providing the information.

Er. Moa Aier, Executive Engineer & PIO, Mokokchung Electrical Division, Mokokchung, Nagaland had also submitted that the RTI application dated 12.03.2014 was received on the same day i.e. 12.03.2014, however, since the prescribed application fee of Rs. 10/- was not enclosed or received, the RTI application could not be processed. And only after the applicant paid the prescribed application fee after 35 days on **16.04.2014**, the RTI application was processed by transferring it to the Chairman of the Anongza UEMB on 23-04-2014 since the information sought refers to Aongza UEMB in Mokokchung. And on the late receipt of the information from Anongza UEMB only on **05-09-2014**, the PIO had furnished the information to the applicant on **08-09-2014**. Further, after the hearing on 09.09.2014, and in compliance to the decision of the Commission dated 16.09.2014, Er. Moa Aier,

Executive Engineer & PIO, Mokokchung Electrical Division, Mokokchung, Nagaland had also submitted that after the site verification conducted by the Joint Verification Team on 23.09.2014, a copy of the report of the Joint Verification Team was furnished to the applicant (now complainant) on 27.09.2014, which the legal counsel of the applicant(now complainant), Shri. I. Imti Longchar, Advocate, Kohima had also expressed **satisfaction** with the information so received.

On the above submission of the PIO, the Commission observed that the delay in furnishing the information lies with the Aongza UEMB in Mokokchung and not with Er. Moa Aier, Executive Engineer & PIO, Mokokchung Electrical Division, Mokokchung, Nagaland. Hence, no penalty is attracted on the Executive Engineer & PIO, Mokokchung Electrical Division, Mokokchung, Nagaland.

Further, the Commission observed that since the information sought was with the Aongza UEMB, the public authority should have informed the Aongza UEMB, being a part of their public authority on the responsibilities and urgency of RTI matters. However, the Aongza UEMB had not been properly educated by the public authority about their responsibility as being part of the authority and therefore committed the lapses due to their sheer ignorance by taking longer time to compile the materials forming the information.

DECISION

On the above observations and findings, the Commission directs the public authority and the PIO to educate properly those local functionaries and committees in the communitisation programme of the Department of Power to avoid repetition of such predicament in future.

This complaint case is hereby declared **closed**.

Complaint heard in the presence of all parties present on 12.12.2014.

Copy be given to the parties:

1. The Chief Engineer & First Appellate Authority, Power, Nagaland, Kohima.
2. Er. Moa Aier, Executive Engineer & PIO, Mokokchung Electrical Division, Mokokchung, Nagaland.
3. The applicant(now the complainant), Shri. Tsuktimeren, Chairman, Kichutip Ward, Mokokchung Town, Nagaland, Mobile No. 9856582291, C/o Sashiyanger, Surveyor, DNRE, Nagaland, Kohima.
4. Shri. I. Imti Longchar, Advocate, Kohima, Mobile No. 9436000489.
5. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website.
6. Office Copy.

Sd/-

KEVININO P. MERU
Chief Information Commissioner

Sd/-

BUKCHEM PHOM
State Information Commissioner

Authenticated by:-

(SOYIMNA AIER KOZA)
Secretary