

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-6/2016-17

Dated Kohima, the 28th November, 2016.

Complainant : M/S Habemo Ngullie,
Govt. Registered Contractor & Supplier,
PWD CI-1/245,
Nagaland, Kohima.

Respondent : The Concerned PIO,
Office of the Chief Engineer, PWD (R&B),
Nagaland, Kohima.

Public Authority : Office of the Chief Engineer, PWD (R&B),
Nagaland, Kohima.

Date of hearing : 23.11.2016 at 11:30 AM.
Date of Decision : 28.11.2016.

Present:

1. Er. Limadongdang, Addl. Chief Engineer & PIO, Office of the Chief Engineer, PWD (R&B), Nagaland, Kohima, Mobile No. 9436005527.
2. The applicant (now complainant), M/S Habemo Ngullie, Govt. Registered Contractor & Supplier PWD CI-1/245, Nagaland, Kohima did not appear for the hearing. However, he was represented by:-
 - a. Shri. P. Pius Lotha, Legal Representative of the applicant (now complainant), 306, Duncan Basti, Dimapur, Mobile No. 9436004566, 8974674306.
 - b. Shri. Lankonthung Ezung, Vungo Ju Colony, Wokha Town, Mobile No. 9436077175, 8132033762.

FACT OF THE CASE

An applicant, M/S Habemo Ngullie, Govt. Registered Contractor & Supplier PWD CI-1/245, Nagaland, Kohima had submitted an RTI application dated 30.06.2016, place Dimapur addressed to the Chief Engineer, PWD (R&B), Nagaland, Kohima alongwith the prescribed application fee of Rs. 10/- (Rupees ten only) paid in cash on 11.12.2015 seeking a copy of the Agreement executed by M/S Habemo Ngullie, Class-I Contractor against the Work Order issued vide Govt. Work Order No. SE/II/TENDER/TB/18/2003-2004/349-50 dated 24.02.2005 for improvement of Town road at Wokha from PWD Store to Officer Colony approach road

- (01) Construction of WBM of FRC GR I, II & III
- (02) 20mm premixed carpeting (PC) of SC
- (03) CRSM R/Wall at 0.3.50/0.250 km
- (04) Masonry open surface drain etc allotted in the name of the aforementioned firm.

The above RTI application dated 30.06.2016 was posted on 07.07.2016, however, on not getting any response to his RTI application within the stipulated time frame of 30 (thirty) days, the applicant had preferred a complaint dated 24.09.2016 before this Commission.

Since there was no response to his RTI application dated 30.06.2016 till date which was addressed to the Chief Engineer, PWD (R&B), Nagaland, Kohima, the Commission had, vide notice of even No. dated 01.11.2016 notified to hear the complaint, giving opportunity of being heard to all the parties on **23rd November, 2016 (Wednesday) at 11:30 A.M.** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima.** The Commission had also notified the following concerned to appear before this Commission and **also to bring the files and relevant documents** in question for scrutiny, on the above date and time for hearing.

- i. The concerned PIO, Office of the Chief Engineer, PWD (R&B), Nagaland, Kohima.
- ii. The applicant (now complainant), M/S Habemo Ngullie, Govt. Registered Contractor & Supplier PWD CI-1/245, Nagaland, Kohima.

OBSERVATIONS AND FINDINGS:

During the hearing, Er. Limadongdang, Addl. Chief Engineer & PIO, Office of the Chief Engineer, PWD (R&B), Nagaland, Kohima submitted that the above RTI application dated 30.06.2016 was received by the Office of the Chief Engineer, PWD (R&B), Nagaland, Kohima by post on **11.07.2016**. The Chief Engineer had endorsed the RTI application to him only on 14.07.2016. And on receipt of the RTI application on **14.07.2016**, he had endorsed it to the Technical Branch to trace out the Agreement Copy which pertains to 28.02.2005 for necessary reply to the applicant. However, since the Agreement Copy could not be traced out from the Technical Branch, he had, vide letter No. CE(R&B)/TB-III/RTI/2015-16/136 dated **15.07.2016** written to the Superintending Engineer, Circle – II, Kohima, Nagaland which looks after Wokha Division requesting to furnish the Agreement Copy, if it was available at the Circle office. The Superintending Engineer, Office of the Superintending Engineer, PWD (R&B), Circle – II, Kohima, Nagaland could trace out the Agreement Copy and had, vide letter No. SE-II/TB/73/RTI/2016-17/132 dated **19.07.2016** sent it to the Chief Engineer, PWD (R&B), Nagaland, Kohima. On receipt of the Agreement Copy from the Superintending Engineer, Circle – II, he had, vide letter No. CE(R&B)/TB-III/RTI/2015-16/145 dated **22.07.2016** furnished it to the applicant. However, since no contact number was given by the applicant in his RTI application, the PIO had instructed the Technical Branch to keep it ready for the firm, hoping that they would come and collect the information after paying the cost of information. A copy of the above mentioned Agreement and the above mentioned letters were produced before the Commission.

Also a copy of the Agreement Copy was handed over to the legal representative of the applicant (now complainant) during the hearing. On receipt of the Agreement Copy during the hearing, the legal representative of the applicant (now complainant) had perused and submitted **satisfaction**.

The Commission appreciated that the public authority had indeed made efforts to trace out and furnish the information, however, due to lack of proper contact address and contact phone number, the PIO could not inform or contact the firm (the applicant) to come and collect the information. However, the information sought could be furnished only today during the hearing on 23.11.2016, which was due to the non-availability of proper contact

details of the applicant. The Commission also observed that since the RTI application was received by the PIO on 14.07.2016 and the information was readied on 22.07.2016 to be furnished to the applicant, there was no delay on the part of the PIO or the other officers as it was within the 30 days time limit.

The Commission also advised the applicant (now complainant) that in future, proper **contact details** that may be necessary for contacting him be given at the time of making a request as envisaged under Section 6(2) of the RTI Act, 2005.

DECISION:

On the above observations and findings, since the legal representative of the applicant (now complainant) had received a copy of the Agreement executed by M/S Habemo Ngullie, Class-I Contractor against the Work Order issued vide Govt. Work Order No. SE/II/TENDER/TB/18/2003-2004/349-50 dated 24.02.2005 for improvement of Town road at Wokha from PWD Store to Officer Colony approach road and had submitted **satisfaction** with the information so received during the hearing, the Commission decided to declare this complaint case as **closed**.

Decision pronounced in the presence of all parties present on 23.11.2016.

Copies be given to:-

1. Er. Limadongdang, Addl. Chief Engineer & PIO, Office of the Chief Engineer, PWD (R&B), Nagaland, Kohima, Mobile No. 9436005527.
2. The applicant (now complainant), M/S Habemo Ngullie, Govt. Registered Contractor & Supplier PWD CI-1/245, Nagaland, Kohima.
3. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
4. Office Copy.

Sd/-
TOSHI AIER, IAS (Retd.)
Chief Information Commissioner

Sd/-
CHANBEMO LOTHIA
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary