

NAGALAND INFORMATION COMMISSION
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No. NIC/Appeal-11/2013-14

Dated Kohima, the 4th April, 2014.

Subject: Order for closing of appeal case.

WHEREAS under Section 19 of the Right to Information Act, 2005, and in accordance to the Nagaland State Information Commission (Appeal Procedure) Rules, 2005, the Nagaland Information Commission had, **on 23.01.2014** heard the second appeal dated 13.12.2013 received from an appellants, Shri. Toiho Y. Tuccu, Notun Bosti, River Belt Colony, H/No. 170, Blessing Apartment, Dimapur, Mobile No. 08575494777/ 08730934487, wherein the applicant stated that he was not satisfied with the reply of the Commissioner of Excise & First Appellate Authority, Excise, Nagaland, Dimapur to his First Appeal dated 04.11.2013, and which was submitted against the unsatisfactory response of the Additional Commissioner of Excise, Nagaland, Dimapur 30.09.2013 to his RTI application dated 09.09.2013.

AND WHEREAS the Commission had, after hearing both the parties on 23.01.2014, passed decision on the second appeal vide this Commission's Decision of even No. dated **30.01.2014**;

AND WHEREAS on receipt of a complaint dated 26.02.2014 from the applicant(now appellants) before the Commission that though the information for Sl. No. 5 has been furnished, the Commissioner of Excise & First Appellate Authority, Nagaland, Dimapur had failed to comply with the decision order of the Commission dated 30.01.2014 and hence no information has been received for Sl. No. 1 which was directed to be furnished to the above applicant(now appellants) within 25 (twenty five) days of the receipt of the Commission's decision order and for Sl. No. 2, 3 and 5 within 15 (fifteen) days of the receipt of the order of the Commission, the Commission had vide letter of even No. dated 05.03.2014 directed the Commissioner of Excise & First Appellate Authority, Nagaland, Dimapur and the Additional Commissioner of Excise & PIO, Office of the Commissioner of Excise, Nagaland, Dimapur to explain the grounds/reasons for non-furnishing of information as directed by this Commission in its decision order dated 30.01.2014 and to comply with the directive of the Commission regarding furnishing of information **within 15 (fifteen) days** of the receipt of the Commission's directive dated 05.03.2014.

AND WHEREAS in compliance to the above directive of the Commission dated 05.03.2014, Shri. Bendangtoshi Ao, Additional Commissioner of Excise & PIO, Nagaland, Dimapur had, vide letter No. Ex-5/6/08/906-11 dated 19.03.2014 submitted the explanation for the delay in furnishing the information to the above applicant (now appellants), and had also vide letter No. No. Ex-5/6/08/912-13 dated 19.03.2014 furnished the remaining information to the applicant (now appellants). However, the PIO stated that the applicant (now appellants) verbally refused to accept the information saying that the information will be collected through the Chief Information Commissioner, Nagaland.

AND WHEREAS the Commission, while pointing out that the Commission in its decision dated 30.01.2014 ordered that '*the information be furnished to the applicant within 25 (twenty five) days of the receipt of this order by the Commissioner of Excise, Nagaland, Dimapur under intimation to the Nagaland Information Commission*' had, observed that the public authority had already complied with the decision and directive of the Commission. However, if the applicant (now appellants) refused to accept the information, it is his discretion. Hence, whether the applicant

(now appellant) collects his copy from the Commission (which is not ordered by the Commission), or from the public authority, **the case is declared closed** on the compliance by the public authority.

NOW THEREFORE, it is notified to the following parties that the complaint case is hereby declared closed:-

- i. Shri. Maongwati Aier, Commissioner of Excise & First Appellate Authority, Nagaland, Dimapur.
- ii. Shri. Bendangtoshi Ao, Additional Commissioner of Excise, Nagaland, Dimapur
- iii. The applicant(now appellant), Shri. Toiho Y. Tuccu, Notun Bosti, River Belt Colony, H/No. 170, Blessing Apartment, Dimapur, Mobile No. 08575494777/ 08730934487.

Sd/-

LALHUMA, IAS (Retd)

Chief Information Commissioner,

Dated Kohima, the 4th April, 2014.

No. NIC/Appeal-11/2013-14

Copy to:-

1. The P.P.S. to the Hon'ble Chief Information Commissioner, Nagaland Information Commission for kind information of the CIC.
2. The P.A to the State Information Commissioner(K), Nagaland Information Commission for kind information of the SIC.
3. The P.A to the State Information Commissioner(B), Nagaland Information Commission for kind information of the SIC.
4. Shri. Maongwati Aier, Commissioner of Excise & First Appellate Authority, Nagaland, Dimapur.
5. Shri. Bendangtoshi Ao, Additional Commissioner of Excise, Nagaland, Dimapur.
6. The applicant(now appellant), Shri. Toiho Y. Tuccu, Notun Bosti, River Belt Colony, H/No. 170, Blessing Apartment, Dimapur, Mobile No. 08575494777/ 08730934487.
7. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
8. Office Copy.

(SOYIMNA AIER KOZA)

Secretary