

NAGALAND INFORMATION COMMISSION
Old Secretariat Complex,
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Nagaland, Kohima - 797001.
Tel: 0370-2291041, Fax: 0370-2291774, Website: www.nlsic.gov.in



No. NIC/Appeal-23/2013-14

Dated Kohima, the 5th August, 2014.

Appellant: Shri. Khekuto Tuccu,
President,
Life Consumer Society & RTI,
OB-30, Supermarket,
Near H. N. Company,
Dimapur, Nagaland – 797112,
Mobile No. 9615087958, 8575038826.

Respondents: 1. Director & FAA,
Urban Development,
Nagaland, Kohima

2. The Secretary & PIO,
Development Authority Nagaland (DAN),
Urban Development,
Dimapur, Nagaland.

Public Authority: Development Authority Nagaland (DAN),
Urban Development, Nagaland.

Date of Hearing : 31st July, 2014 (Thursday) at 12:30 PM.

Date of Decision : 05.08.2014.

Present:

1. Shri. A. Zانبemo Ngullie, Joint Director, Urban Development, Nagaland, Kohima representing the FAA since Shri. Ken Kreditsu, Director & FAA, Urban Development, Nagaland, Kohima was on official tour.
2. Ar. A. Chenithung Lotha, Secretary & PIO, Development Authority Nagaland, Dimapur, Nagaland.
3. Shri. Noleto Visa, Executive Officer & APIO, Development Authority Nagaland, Dimapur, Nagaland.
4. The applicant(now appellant), Shri. Khekuto Tuccu, President, Life Consumer Society & RTI, OB-30, Supermarket, Near H. N. Company, Dimapur, Nagaland – 797112, Mobile No. 9615087958, 8575038826.
5. Shri. Pradip Sethi, Vice President, Life Consumer Society & RTI, OB-30, Supermarket, Near H. N. Company, Dimapur, Nagaland – 797112.
6. Shri. Manaho K. Katty, Assistant General Secretary, Life Consumer Society & RTI, OB-30, Supermarket, Near H. N. Company, Dimapur, Nagaland.

FACT OF THE CASE.

An applicant, Shri. Khekuto Tuccu, President, Life Consumer Society & RTI, OB-30, Supermarket, Near H. N. Company, Dimapur, Nagaland – 797112, Mobile No. 9615087958,

8575038826 had submitted a RTI application dated 09.09.2013 addressed to the PIO, Secretary, Development Authority Nagaland, Urban Development, Dimapur alongwith an application fee of Rs. 10/-, seeking information on 38 (thirty eight) queries.

In response to the RTI application dated 09.09.2013, Ar. A. Chenithung Lotha, Secretary & PIO, DAN, Urban Development, Dimapur, Nagaland had, vide letter No. DAN/G-79/12/1533 dated 07.10.2013 informed the applicant that the cost of information regarding the 38 queries was Rs. 68/- (Rupees sixty eight only) and had requested the applicant to pay and collect the information.

And on getting the information from the Secretary & PIO, DAN, Urban Development, Dimapur, the applicant had submitted first appeal vide No. LCS&RTI/37/13 dated 19.11.2013 stating that the reply was unsatisfactory. However, the Commission had not received a copy of the above mentioned first appeal dated 19.11.2013.

In response to the first appeal dated 19.11.2013, Shri. Noletto Visa, Executive Officer & APIO, Development Authority Nagaland, Dimapur had, vide letter No. DAN/G-79/12/1818 dated 18.12.2013 forwarded to the Director & FAA, Urban Development, Nagaland, Kohima regarding the replies to the unsatisfactory response raised by the applicant (now appellant).

The Director & FAA, Urban Development, Nagaland, Kohima had, vide letter No. UDD/NUIS/RTI/51/2011/3/1034 dated Jan, 2014 forwarded the above reply received from the Executive Officer & APIO, Development Authority Nagaland, Dimapur to the applicant (now appellant).

On being not satisfied with the reply of the Director & FAA, Urban Development, Nagaland, Kohima, the applicant (now appellant) had preferred a second appeal vide No. LCS&RTI/44/14 dated 05.03.2014 before this Commission stating that in response to his first appeal, he had received the replies to query Nos. 3, 19, 24, 26, 32 and 38, however, out of the 6 (six) replies, query **Nos. 3 and 19 were still not fully satisfactory.**

Since the Commission had not received a copy of the first appeal dated 19.11.2013, the Commission had, vide letter No. NIC/Appeal-23/2013-14 dated 02.04.2014 wrote to the applicant (now appellant) to submit a copy of his **first appeal** filed to the Director & First Appellate Authority, Urban Development, Nagaland, Kohima, and also the **grounds for non-satisfaction** to his queries No. 3 and 19 to this Commission latest **by 15.04.2014** so as to initiate further course of action. However, there was no response till date.

Therefore, the Commission had decided to hear the appeal, giving opportunity to the parties, on **31st July, 2014 (Thursday) at 12:30 PM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima.**

OBSERVATIONS AND FINDINGS

Shri. Ken Kreditsu, Director & FAA, Urban Development, Nagaland, Kohima had, vide letter No. UDD-NUIS-RTI-51/2011/3/710 dated 19.07.2014 informed the Commission that due to some urgent matter which required his presence outside the State, he had nominated Shri. A. Zانبemo Ngullie, Joint Director, Urban Development, Nagaland, Kohima to represent the FAA during the hearing.

During the hearing on 31.07.2014, Ar. A. Chenithung Lotha, Secretary & PIO, Development Authority Nagaland, Dimapur, Nagaland submitted that due to shifting of the office of the Development Authority Nagaland, Dimapur three (3) times, the records were misplaced and hence could not be provided to the applicant (now appellant) on time.

During the hearing on 31.07.2014, Ar. A. Chenithung Lotha, Secretary & PIO, Development Authority Nagaland, Dimapur, Nagaland submitted that since the applicant (now appellant) was not satisfied with the reply to the first appeal given by the Director & FAA, Urban Development, Nagaland, Kohima, he had, vide letter No. DAN/G-79/12 dated 02.04.2014 sent an invitation by speed post to the applicant (now appellant) to come to his office for a discussion to clear doubts on 17.04.2014 at 12:00 PM. And a copy of the invitation letter was also produced before the Commission during the hearing. However, the applicant (now appellant) submitted that the letter of invitation which was sent by speed post was received only on 10.05.2014, after the date scheduled for discussion to clarify doubts, and hence could not attend for the discussion to clarify the doubts.

Ar. A. Chenithung Lotha, Secretary & PIO, Development Authority Nagaland, Dimapur, Nagaland also submitted that since the discussion could not be held in the first invitation, a second invitation was sent to the applicant (now appellant) vide letter No. DAN/G-79/12/369 dated 24.06.2014. And the applicant (now appellant) had verbally assured to accept the replies furnished by DAN.

Ar. A. Chenithung Lotha, Secretary & PIO, Development Authority Nagaland, Dimapur, Nagaland also submitted that the applicant (now appellant) came voluntarily on 10.07.2014 for a discussion in which DAN informed them of supplementing the queries for which they agreed to reply. Accordingly, additional information was sent to the applicant (now appellant) vide letter No. DAN/G-79/12/4378 dated 11.07.2014, but was rejected by the applicant (now appellant).

Regarding query No. 19, Ar. A. Chenithung Lotha, Secretary & PIO, Development Authority Nagaland, Dimapur, Nagaland submitted that the applicant (now appellant) was requested to come and clarify from the office as records were not available regarding evicting defaulting tenants from the inception of DAN, but the applicant (now appellant) never came for a discussion to clarify.

On being asked by the Commission as to why the applicant (now appellant) failed to respond to the invitations extended by the PIO, DAN for discussion to clarify doubts and also refusal to accept the additional information provided by the PIO, DAN, the applicant (now appellant) submitted that he refused to collect the information since the Commission had already fixed for the hearing on 31.07.2014. The Commission observed that the reason for refusing to collect the information given by the applicant (now appellant) was not tenable.

During the hearing, Ar. A. Chenithung Lotha, Secretary & PIO, Development Authority Nagaland, Dimapur, Nagaland had produced the information before the Commission, which was initially refused by the applicant, and a copy of the information was also handed to the applicant (now appellant). However, the applicant (now appellant) submitted before the Commission that only after examining the information so received, he would be able to state his satisfaction or non-satisfaction of the information.

The Commission also pointed out that earlier when the Commission had, vide letter No. NIC/Appeal-23/2013-14 dated 02.04.2014 directed the applicant (now appellant) to submit a copy of his **first appeal** filed to the Director & First Appellate Authority, Urban Development, Nagaland, Kohima, and also the **grounds for non-satisfaction** to his queries No. 3 and 19 to this Commission latest **by 15.04.2014** so as to initiate further course of action, the applicant (now appellant) never responded to the Commission's directive, and only on the date of hearing on 31.07.2014, the applicant (now appellant) submitted a copy of the first appeal to the Commission.

The Commission observed that the applicant (now appellant) had undermined the Commission by not responding to the Commission's directive and was also arrogant and non-cooperative with the Public Authority by not appearing for discussion on several invitations, when the PIO, DAN wanted to clarify some doubts. The Commission also viewed that the applicant (now appellant) seemed to be not interested in the information and also warned the applicant (now appellant) to be friendly and serious in future.

DECISION

Since the information was received by the applicant (now appellant) from Ar. A. Chenithung Lotha, Secretary & PIO, Development Authority Nagaland, Dimapur, Nagaland during the hearing and that some time was requested to examine the information to state satisfaction or non-satisfaction of the information, the Commission decides that the applicant (now appellant) shall submit his response to the public authority i.e. DAN and to the Commission stating his satisfaction or non-satisfaction of the information so received **within 2 (two) weeks** from the **date of issue** of this Commission's Decision.

This appeal case shall be declared closed only after compliance to the above decision of the Commission is received.

The appeal case is heard and decision passed in the presence of all the parties present.

Copies be given to the parties:-

1. Shri. Ken Kreditsu, Director & FAA, Urban Development, Nagaland, Kohima.
2. Ar. A. Chenithung Lotha, Secretary & PIO, Development Authority Nagaland, Dimapur, Nagaland.
3. Shri. Noleto Visa, Executive Officer & APIO, Development Authority Nagaland, Dimapur, Nagaland.
4. The applicant(now appellant), Shri. Khekuto Tuccu, President, Life Consumer Society & RTI, OB-30, Supermarket, Near H. N. Company, Dimapur, Nagaland – 797112, Mobile No. 9615087958, 8575038826.
5. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website.
6. Office Copy.

Sd/-
(BUKCHEM PHOM)
State Information Commissioner,
Nagaland

Authenticated by:-

(SOYIMNA AIER KOZA)
Secretary
Nagaland Information Commission