

# NAGALAND INFORMATION COMMISSION

Below Raj Bhavan, Officers' Hill Colony

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No. NIC/Appeal-24/2016-17

Dated Kohima, the 19<sup>th</sup> June, 2018.

## **Subject: Closing Order of Appeal Case.**

WHEREAS under section 19 of the Right to Information Act, 2005, the Nagaland Information Commission had received a second appeal dated 11.01.2017 by email from Shri.Mayank Vinay Agarwal, 6, Nitisha app B/H bapu bunglow, Indira nagar, Nashik-422009, Mobile No.9823054248, email:[mayankagarwal18@gmail.com](mailto:mayankagarwal18@gmail.com) against the non-response of the PIO to the RTI application dated 23.11.2016 and the first appeal dated 23.11.2016 submitted to the Transport Commissioner & FAA.

AND WHEREAS, the applicant had earlier submitted an RTI application dated 23.11.2016 addressed to the Regional Transport Officer, Kohima seeking the following information:-

- 1. Its more than one month from filling my appeal, so what action has been taken against that appeal ?*
- 2. Under which rule in the Motor Vehicle Act of India this registration was cancelled? As this is not mentioned in the cancellation order (please attach the photocopy of the rule).*
- 3. The reason given for the cancellation of the vehicle registration number NL-01/K-1778 in the cancellation order dated 27.09.2016 issued by your department has referred to the order by the Hon'ble Gauhati High Court, order No. WP.(C) No.113(K) 2016 dated 01.07.2016, I would like to know, "where in the order copy, the Hon'ble Court have issued the direction to cancel the registration No.NL-01/K-1778 ?." (p lease mark the paragraph in the order copy which mentioned the same).*
- 4. Your Department was asked to be present in the A.C.M.M 11<sup>th</sup> Court, Kurla, Mumbai to know about the authenticity of the registration NL-01/K-1778 in the name of Mayank Agarwal and with your permission your office namely Mr.P. Shanthong Phom had deposed the same in front of the Court on 25.08.2015 in the case number 569-PW-2013 as witness number 9. Where he clearly stated that the documents submitted at the time of registration NL-01/K-1778 was found to be genuine and was still valid.*

*It clearly seems that till the time of the deposition by your officer on your behalf, on date 25.08.2015 all the documents related for registering the vehicle No.NL-01/K-1778 was found to be genuine but even after that the registration was cancelled, does it means that your department had falsely deposed in front of Court ?*

AND WHEREAS, the applicant had on the same day i.e. 23.11.2016 submitted supposedly his first appeal dated 23.11.2016 before the Transport Commissioner & FAA.

AND WHEREAS, since the first appeal dated 23.11.2016 was filed on the same date as the RTI application dated 23.11.2006, which is in contravention to Section 19(1) of the RTI Act 2005, the Commission had, vide letter of even No. dated 24.05.2017 advised the applicant to submit his first appeal to the FAA i.e. the Transport Commissioner, after the expiry of the 30 days time limit.

AND WHEREAS, though sufficient time had lapsed since there was no response or further appeal from the applicant, suggesting that the applicant have no interest to pursue his case, the Commission has decided to close the appeal case.

NOW THEREFORE, it is notified to all the parties that the appeal case is hereby declared as closed.

1. The Transport Commissioner, Motor Vehicles Department, Nagaland, Kohima.
2. The Regional Transport Officer, Motor Vehicles Department, Kohima, Nagaland.
3. The applicant (now appellent) Shri.Mayank Vinay Agarwal, 6, Nitisha app B/H bapu bungalow, Indira nagar, Nashik-422009, Mobile No.9823054248,

**Sd/-**  
**CHANBEMO LOTH**  
**Chief Information Commissioner**

No. NIC/Appeal-24/2016-17.

Dated Kohima, the 19<sup>th</sup> June, 2018.

Copy to:-

1. The PPS to the Chief Information Commissioner, Nagaland Information Commission for kind information of the CIC.
2. The PA to the State Information Commissioner (K), Nagaland Information Commission for kind information of the SIC (K).
3. The PA to the State Information Commissioner (R), Nagaland Information Commission for kind information of the SIC (R).
4. The Transport Commissioner, Motor Vehicles Department, Nagaland, Kohima.
5. The Regional Transport Officer, Motor Vehicles Department, Kohima, Nagaland.
6. The applicant (now appellent) Shri.Mayank Vinay Agarwal, 6, Nitisha app B/H bapu bungalow, Indira nagar, Nashik-422009, Mobile No.9823054248.
7. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
8. Office Copy.

**(WORHONTHUNG EZUNG)**  
**Secretary**