

NAGALAND INFORMATION COMMISSION

Old Secretariat Complex

Post Box No. 148

Nagaland, Kohima – 797001.

Tele-fax: 0370-2291041

Website www.nlsic.gov.in



No. NIC/Appeal-6/2016-17

Dated Kohima, the 24th August, 2016.

Appellant(s): 1) Shri. Kedou Wetsah, Member,
PGD, NPCC, Kohima,
Mobile No. 9436001640
2) Shri. Haiying, Member,
PGD, NPCC, Kohima,
Mobile No. 9402908307.

Respondent(s): 1) The Director & First Appellate Authority,
New and Renewable Energy, Nagaland, Kohima.
2) The PIO, Directorate of New and Renewable Energy,
Nagaland, Kohima.

Public Authority : Directorate of New and Renewable Energy, Nagaland, Kohima.

Date of Hearing : 29.07.2016 at 2:00 P.M

Date of Decision : 24.08.2016.

Present:

1. Er. Kavito, Addl. Director, New and Renewable Energy, Nagaland, Kohima, Mobile No. 9436005673.
2. Er. Thungpemo Ezung, Assistant Director & PIO, Directorate of New and Renewable Energy, Nagaland, Kohima, Mobile No. 9436215367.
3. Er. Imliakum, J.E (Electrical) & APIO, Directorate of New and Renewable Energy, Nagaland, Kohima, Mobile No. 9615936058.
4. The applicants (now appellants), Shri. Kedou Wetsah, Member, PGD, NPCC, Kohima, Mobile No. 9436001640 and Shri. Moa Emchen, Member, PGD, NPCC, Kohima, Mobile No. 9862749595.

FACTS OF THE CASE.

The applicants, Shri. Kedou Wetsah, Member, PGD, NPCC, Mobile No. 9436001640 and Shri. Haiying, Member, PGD, NPCC, Mobile No. 9402908307 had submitted an RTI application vide No. PGD-1/2015-16 dated NIL addressed to the PIO, Department of New and Renewable Energy, Nagaland, Kohima along with the prescribed fee of Rs 10/- (Rupees ten only) paid in cash seeking information regarding Mini Hydro Project taken up by the Department of New and Renewable Energy with the following details:-

- i. Furnish total number of Mini Hydro Project taken up by the Department in last five (5) years (i.e., 2010-11, to 2015).*
- ii. Furnish DPR/Work estimate of total Project in both Hard and Soft copy.*
- iii. Furnish Xerox copy of the NIT call of every Project.*
- iv. Furnish in detail the profile of the company/firm to whom the work was awarded.*
- v. Furnish a copy of work order for each project to which contract was awarded.*
- vi. Furnish the total Amount received from the Ministry. Govt. of India for every project. Furnish Xerox copy of sanction letter of each project.*
- vii. Furnish utilization and completion certificate if any of the Project has been completed.*
- viii. Furnish in detail the Actual Pay Receipt (APR) of each project.*
- ix. Furnish in detail the voucher/invoice from which firm/Company that both the electrical and civil work items/articles were purchased.*

The Public Authority received the RTI application on 18-12-2015 as evidenced on the body of the application. On receipt of the RTI application, Er.Thungpemo Ezung, Asst. Director & PIO, Directorate of New and Renewable Energy, Nagaland, Kohima had, vide letter No. DNRE/RTI-4/2010(pt-II)/364 dated 08-01-2016 informed the applicants about the cost of the information

amounting to Rs. 926/- (Rupees nine hundred and twenty six only) and had also vide letter No. DNRE/RTI-4/2010(pt-II)/364 dated 08-01-2016 furnished the information to the applicants.

On receipt of the information furnished by the PIO, the applicants (now appellants) had submitted First Appeal vide letter No. Nil dated Nil addressed to the FAA, Directorate of New and Renewable Energy stating that the PIO had furnished incomplete and unsatisfactory information.

On receipt of the First Appeal vide letter No. Nil dated Nil on 08-02-2016, the Director & FAA had, after hearing the applicants (now appellants), PIO and APIO on 25-02-2016 at 12:30 P.M, passed his decision vide No. DNRE/RTI-4/2010 (PT-II)/6327 dated 25-02-2016 stating that the applicants (now appellants) were satisfied with the information provided for Sl. No. 1, 2, 3, 4 and 6 of the RTI application, however, for Sl. No. 5, 7, 8 and 9 which were not satisfied, the PIO was directed to furnish to the applicants (now appellants) the information pertaining to the following specific projects on or before 05-03-2016:-

- i. Utilization certificate for Thiza ru MHEP;
- ii. APR for Thiza ru MHEP;
- iii. Completion certificate for Mayemong MHEP;
- iv. APR (Mobilization Advance payment) for Noiroi MHEP;
- v. Letter of Authorization from M/S Sandstone for receiving payment;
- vi. Voucher and Invoice from the firm/company for Mayemong MHEP, Thiza ru MHEP, Noiroi MHEP and Tsutsung MHEP.

In compliance to the above direction of the FAA, the Assistant Director & PIO, Directorate of New and Renewable Energy, Nagaland, Kohima had, vide letter No. DNRE/RTI-4/2010(pt-II)/6334 dated 03-03-2016 furnished the above mentioned information to the applicants (now appellants).

On not being satisfied with the information furnished by the Assistant Director & PIO, the applicants (now appellants) had preferred a second appeal vide No. PGD-1/2015-16 dated 08-06-2016 to this Commission stating that the requisite information was not furnished to them even after the hearing held by the FAA.

The Commission decided to hear the Appeal, giving opportunity to all the parties on **29th July, 2016 (Friday) at 2:00 P.M** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima**. The Commission had also directed all the concerned parties to bring the files and relevant documents in question for scrutiny, on the above date and time for hearing.

OBSERVATIONS AND FINDINGS

Er. Kavito, Additional Director, New & Renewable Energy, Nagaland, Kohima represented the Director and First Appellate Authority who was on leave. He informed that the Joint Director who is in-charge of Hydro would be the right officer to explain, however, he did not appear for the hearing. Also, Shri. Moa Emchen, Member, PGD, NPCC, Kohima had informed the Commission that he represented Shri. Haiying, Member, PGD, NPCC during the hearing who was out of station.

During the hearing, Shri. Kedou Wetsah, the applicant (now appellant) submitted that he was satisfied with the information furnished by the PIO for query Nos. 1, 2, 3, 4 and 6 of his RTI application dated Nil, however, he was not satisfied with the query Nos. 5, 7, 8 and 9. Further, he submitted that he was still not satisfied with the subsequent information which was furnished by the PIO on 03.03.2016 in compliance to the decision of the Director & FAA dated 25.02.2016.

i. Regarding No.1: Utilization certificate for Thiza ru MHEP:

The applicant (now appellant) pointed out that as per the guidelines, the Utilization Certificates should not only also bear the signatures of the Director of New and Renewable Energy, Nagaland, Kohima but also that of the Secretary of the concerned department i.e., New and Renewable Energy Department and Officer concerned of the Planning Department for the fund to be released, however, he was not satisfied with the Utilization Certificates so received from the public authority since the Utilization Certificates had only the signatures of the Director of New and Renewable Energy, Nagaland, Kohima.

In this regard, Er. Kavito, Additional Director, New and Renewable Energy, Nagaland, Kohima explained that 3 (three) MHEP projects consisting of Noiroi, Mayemong and Thizaru were clubbed together and was funded under SPA. Since the projects were under SPA, after

signing of the Utilization Certificates by the Director, they were sent to the Secretary, New and Renewable Energy Department and to the Planning Department for signatures and thereafter for onward submission to the Planning Commission in New Delhi. Further, the Addl. Director submitted that in order to clear any confusion or misgivings, the public authority was willing to obtain the Utilization Certificates that bear all the signatures of the Director, the Secretary and the Planning Department from the New and Renewable Energy and the Planning Departments and provide them to the applicants (now appellants).

The Commission observed that since after appending the signatures of the Director, the Utilization Certificates were sent to the Secretary, New and Renewable Energy Department and the Planning Departments for signatures, the Directorate would have the Utilization Certificates that bear only the signature of the Director in their office copies. Hence, the Utilization Certificates which the PIO, Directorate of New and Renewable Energy had furnished would bear only the signature of the Director.

ii. Regarding No.2: APR for Thiza ru MHEP

The applicant (now appellant) pointed out that the Directorate of New and Renewable Energy had released Rs. 65 lakhs to the contractor on 16-10-2015 against Thizaru MHEP. However, as per the information obtained from Pholami VCC and further confirmation from the GB Pholami, it was found out that only Rs 16 lakhs for irrigation and Rs 6.74 lakhs for construction of three nos. of culverts totaling to Rs 22.74 lakhs was received out of the total amount of Rs. 65 lakhs. The appellant questioned as to where the remaining amount of Rs. 42.26 lakhs had gone and why the work for Thizaru MHEP had stopped?

The Additional Director submitted that the Work Order was issued to M/s Sandstone Infraprojects Pvt. Ltd., Kolkata and for which Rs. 65 lakhs was released as Mobilization Advance, however, due to non execution of work, the Work Order had been cancelled and the Mobilization Advance paid to the company had been recovered.

The PIO also submitted that under this same project fund, Work Order for petty works/smaller works (such as construction of culverts) were given to the Village Council. However, since the query was asked for the company, the information was furnished only for the company and did not include the petty and small works executed by the Village Council and local contractors.

The Commission observed that since the small works were also executed from the same project fund the information sought for the small works allotted to the village council should also be furnished to the applicants (now appellants).

iii. Regarding No.3: Completion certificate for Mayemong MHEP.

The applicant(now appellant) submitted that the Completion Certificate for Mayemong MHEP had already been received and are satisfied.

iv. Regarding No.4: APR (Mobilization Advance payment) for Noiroi MHEP.

The applicant(now appellant) submitted that the PIO had already furnished the APR (Mobilization Advance payment) for Noiroi MHEP, however, there was some confusion in the amounts released and the APR.

During the hearing, the public authority gave an explanation/clarification, however, the Commission directed that the explanation or clarifications need to be given in writing.

v. Regarding No.5: Letter of Authorization from M/S Sandstone for receiving payment.

The applicant (now appellant) pointed out that the Work Order was issued to M/S Sandstone Infraprojects Pvt. Ltd. Kolkata but Bill Voucher payments were received by M/S Sandstone Infraprojects Pvt. Ltd. Longsa Village, Near Dikhu bridge, Mokokchung, Nagaland.

The public authority clarified that the Work Order was issued to the M/S Sandstone Infraprojects Pvt. Ltd, Kolkata, however, on the strength of the Power of Attorney given by the M/S Sandstone Infraprojects Pvt. Ltd, Kolkata, all payments were made to its sister company i.e. M/S Sandstone Infraprojects Pvt. Ltd. Longsa Village, Near Dikhu bridge, Mokokchung, Nagaland. And since a copy of the above Power of Attorney had also been furnished earlier to the applicant (now appellant), they had expressed satisfaction with the information furnished to them.

vi. Regarding No.6: Voucher and Invoice from the firm/company for Mayemong MHEP, Thiza ru MHEP, Noiroi MHEP and Tsutsung MHEP.

The applicant (now appellant) had expressed satisfaction with the information so furnished to them by the PIO.

Regarding those information which were not satisfied, the Commission advised the applicants (now appellants) to give a list to the Directorate of New and Renewable Energy, Nagaland, Kohima.

DECISION

On the above observations and findings, the Commission decided that:-

1. Regarding No.1: Utilization certificate for Thiza ru MHEP:

The PIO shall obtain from the concerned Department, the **Utilization Certificates** for Thiza ru MHEP which were duly signed by the Secretary, Department of New and Renewable Energy and by the Planning & Coordination Department and furnish to the applicants (now appellants), and with a copy to the Commission.

2. Regarding No.2: APR for Thiza ru MHEP:

The PIO shall furnish copies of the Bill vouchers/APR submitted by the company including the petty and small works executed by the Village Council and by the local contractors under Thiza ru MHEP to the applicants (now appellants), and with a copy to the Commission.

3. Regarding No.4: APR (Mobilization Advance payment) for Noiroi MHEP.

Since there appeared to have confusion in the amounts released and the APR, the PIO is directed to give a Detailed explanation about the Mobilization Advance released for Noiroi MHEP to the applicants (now appellants), and with a copy to the Commission.

The above decisions at Sl. Nos. 1, 2 and 3 shall be furnished **within 30 (thirty) days** with effect from the date of issue of this Decision.

Decision pronounced in the presence of all the parties present on 29.07.2016.

Copy given to:-

1. Er. Kavito, Addl. Director, New and Renewable Energy, Nagaland, Kohima, Mobile No. 9436005673.
2. Er. Thungpemo Ezung, Assistant Director & PIO, Directorate of New and Renewable Energy, Nagaland, Kohima, Mobile No. 9436215367.
3. The applicant (now appellant), Shri. Kedou Wetsah, Member, PGD, NPCC, Kohima, Mobile No. 9436001640.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
5. Office Copy.

Sd/-

TOSHI AIER, IAS (Retd.)
Chief Information Commissioner

Sd/-

CHANBEMO LOTH
State Information Commissioner

Authenticated true copy:

(WORHONTHUNG EZUNG)
Secretary