

NAGALAND INFORMATION COMMISSION

AGRI-FARM COLONY, LANE-6, H/NO. AFC-578

POST BOX NO. 148

NAGALAND, KOHIMA-797001

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No. NIC/APPEAL-21/2022-23

Dated Kohima, the 26th September, 2022.

Subject: Closing Order of Appeal Case.

WHEREAS, the Nagaland Information Commission had, on 21/12/2020 received a second appeal dated 14/12/2020 from Shri. Md. Mustaque Ahmed, Advocate, C.J.M. Court Campus, Civil Court, Dhanbad- 826001, Mb- 9570104642, 8409157218 stating that he did not receive any reply from the PIO & RTO, District Kohima to his first appeal 18/10/2020 dated which was submitted against the non-response of the APIO & RTO, Kohima, O/o the Regional Transport Officer, Kohima to his RTI application dated 02/09/2020.

AND WHEREAS, the applicant had submitted a RTI application dated 02/09/2020 addressed to the PIO, RTO, Kohima, Nagaland- 797001 along with an application fee of Rs. 10 paid vide IPO NO.52F 784864 dated 02/09/2020 seeking the following information regarding the vehicle bearing registration No.NL01D-8910 as below:-

1. *Who is the owner of the vehicle No. NL01D-8910 with details.*
2. *Is there any valid issuance against the said vehicle and the name of insurance company if so, on the date of occurrence i.e 08/01/2019.*
3. *If insured, a copy of the said issuance policy be furnished.*

AND WHEREAS, the above RTI application and the IPO were sent to the APIO, Regional Transport Officer, Kohima, Nagaland, pin- 797001 vide speed post No.EJ356224679IN dated 02/09/2020.

AND WHEREAS, on not getting any reply from the APIO to his RTI application even after the expiry of 30 days, the applicant had submitted first appeal dated 18/10/2020 addressed to the PIO, RTO, Kohima, Nagaland -797001 vide speed post No.EJ356721086IN dated 19/10/2020 .

AND WHEREAS, on not getting any reply from the PIO to his first appeal dated 18/10/2020, the applicant had preferred Second Appeal dated 14/12/2020 to this Commission.

AND WHEREAS, on receipt of the above second appeal, the Commission had, vide letter No.NIC/Gen/RTI-19/17(Vol-II)/1282 dated 21/01/2021 advised the applicant to file first appeal to the appropriate authority who is the Transport Commissioner & FAA, O/o the Transport Commissioner, Nagaland, Kohima and not the PIO.

AND WHEREAS, after the review meeting, Shri. S. Yaongsanglee Chang, RTO & PIO, O/o the Regional Transport Officer, Motor Vehicle Department, Nagaland, Kohima-797001 had, vide letter **No.RTO-K/ESTT/1/2017/280-82** dated **23/08/2022** submitted the **sworn affidavit** dated 22/08/2022 before the Commission stating that:-

1. *That the deponent here is the Regional Transport Officer under Motor Vehicle Department, Kohima, Nagaland and authorized to depose the present affidavit on behalf of the Regional Transport Office and that the deponent in the official capacity is fully conversant with the facts deposed below:*
2. *That this affidavit has been sworn to give the status of the RTI application dated 02/09/2022 filed by Shri. Md. Moustaque Ahmed. Advocate, New Islampur Pandarpala, P.O- "B" Polytechnic, P.s- Bankmore, District- Dhanbad (Jarkhand)- 828130, (Appellant/Applicant) before the APIO and First Appeal dated 18/10/2020 before the PIO.*
3. *That the office of the RTO, Kohima, Nagaland neither received any RTI application from the Applicant via any letter addressed to APIO, nor any kind of letter or mail which the applicant claimed to have written on 02/09/2020.*
4. *That the office of the RTO, Kohima, Nagaland neither received any first appeal from the applicant via any letter addressed to PIO, nor any kind of letter or mail which the applicant claimed to have written on 18/10/2020.*

5. *That the deponent here states that it is imperative to mention that having not received any application/ First appeal from the Appellant/Applicant under the RTI Act, 2005 it is unattainable to make any effort to reply to the Appellant/ Applicant before your Hon'ble authority/ forum.*
6. *That the deponent here humbly submits that the Appellant/ Applicant should not be allowed to misuse or abuse the RTI Act, 2005, by simply making any false claim before your Hon'ble Commission.*
7. *That the deponent begs to state that the statement made in Paras- 1 & 2 are true to my knowledge and Paras – 3,4,5, & 6 are true to my information derived from records and which I believe to be true and nothing material has been concealed therein.*

AND WHEREAS, the Commission is convinced with the above submission of Shri. S. Yaongsanglee Chang, RTO & PIO, O/o the Regional Transport Officer, Motor Vehicle Department, Nagaland, Kohima-797001 that the replies could not be given unless the RTI application and the First Appeal are received, the Commission had decided to declare this Appeal case as closed.

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

1. Shri. Elias T. Lotha, Transport Commissioner & FAA, O/o the Transport Commissioner, Motor Vehicle Department, Nagaland, Kohima-797001.
2. Shri. S. Yaongsanglee Chang, RTO & PIO, O/o the Regional Transport Officer, Motor Vehicle Department, Nagaland, Kohima-797001.
3. The applicant (now appellant), Shri. Md. Mustaque Ahmed, Advocate, C.J.M. Court Campus, Civil Court, Dhanbad- 826001, Mb- 9570104642, 8409157218.

Sd/-

I.MEYIONEN JAMIR
Chief Information Commissioner

No. NIC/APPEAL-21/2022-23

Dated Kohima, the 26th September, 2022.

Copy to:

1. The PS to the Chief Information Commissioner, Nagaland Information Commission for kind information of the CIC.
2. Shri. Elias T. Lotha, Transport Commissioner & FAA, O/o the Transport Commissioner, Motor Vehicle Department, Nagaland, Kohima-797001.
3. Shri. S. Yaongsanglee Chang, RTO & PIO, O/o the Regional Transport Officer, Motor Vehicle Department, Nagaland, Kohima-797001.
4. The applicant (now appellant), Shri. Md. Mustaque Ahmed, Advocate, C.J.M. Court Campus, Civil Court, Dhanbad- 826001, Mb- 9570104642, 8409157218.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
6. Office Copy.

(WORHONTHUNG EZUNG)
Deputy Secretary
Nagaland Information Commission