

**NAGALAND INFORMATION COMMISSION**  
**AGRI-FARM COLONY, LANE-6, H/NO. AFC-578**  
**NAGALAND, KOHIMA-797001**  
*Email: cic.nagaland@gmail.com | Website: www.nlsic.nagaland.gov.in*



No. NIC/COMPLAINT-9/2022-23

Dated Kohima, the 29<sup>th</sup> November, 2022

Complainant : Shri. R. N. Nungsang,  
Mokokchung,  
Mobile No. 8787383336 / 9402724048.

Respondents : (i) Shri. T. Mangyang Lkr,  
Joint Director & PIO,  
Directorate of Urban Development,  
Nagaland, Kohima-797001.

(ii) Shri. Ketouzo Peseyie,  
EE& PIO,  
Directorate of Urban Development,  
Nagaland, Kohima-797001.

Public Authority : Directorate of Urban Development, Nagaland, Kohima.

Date of hearing : 24.11.2022 at 11:30 A.M.

Date of Decision : 29.11.2022.

Present:

1. Shri. T. Mangyang Lkr, Jt. Director & PIO, Directorate of Urban Development, Nagaland, Kohima-797001, Mobile No - 9615625812.
2. Shri. Ketouzo Peseyie, Executive Engineer (Urban Engineering Wing) & PIO, Directorate of Urban Development, Nagaland, Kohima-797001, Mobile No - 8413078098.

The applicant (now complainant), Shri. R. N. Nungsang **did not** appear for the hearing.

**FACT OF THE CASE**

The applicant, Shri.R. N. Nungsang, had submitted an RTI application dated **26.04.2022** along with application fee of Rs. 10/- only addressed to the PIO, Directorate of Urban Development, Nagaland, Kohima, seeking the following information as shown below:-

1. *Work Order under Special Assistance during 2021-22 for maintenance of Town Road at Mangkolemba Town under Mokokchung District.*
2. *Whether the contract work was floated on open tender? If so, when and where was the publication made.*

*Kindly send the reply information to the undersigned within 7 days.*

On not getting any response from the PIO, the applicant (now complainant) had submitted a Complaint dated **07.11.2022** to the Nagaland Information Commission.

Since the applicant (now complainant) has not received the information till date, the Commission has decided to hear the above mentioned Complaint giving opportunity of being heard to all the parties on **24<sup>th</sup> November, 2022 (Thursday) at 11:30 A.M in the Hearing Room of Nagaland Information Commission, Agri-farm Colony, Lane-6, H/No. AFC/578, Nagaland, Kohima** and are directed to appear before this Commission and **also to bring the files and relevant documents** in question for scrutiny on the above date and time for hearing. The following under mentioned officials are requested to attend the hearing with preventive measures such as wearing of face mask and social distancing etc.

1. The PIO, Directorate of Urban Development, Nagaland, Kohima-797001.
2. The applicant (now complainant), Shri. R. N. Nungsang, Mokokchung, Mobile No. 8787383336 / 9402724048.

## **OBSERVATIONS AND FINDINGS:**

The applicant (now complainant), Shri. R. N. Nungsang did not appear for the hearing, and since there was no prior intimation to the Commission regarding his absence, the hearing was conducted ex-parte.

Shri. T. Mangyang Lkr, Joint Director & PIO, Directorate of Urban Development stated that on receipt of the RTI application on 26.04.2022 he had transferred the RTI application to the PIO, Urban Engineering Wing on 28.04.2022 as the matter pertains to the Engineering wing and with a copy to the applicant. He also stated that he had received from Shri. R. N. Nungsang, a letter dated 22.11.2022 withdrawing his RTI application dated 26.04.2022. A copy of the withdrawal letter was also produced during the hearing, however, the Commission observed that it would not have any bearing on the hearing since it was submitted very late just 2 days before the hearing i.e dated 22.11.2022 and received during the hearing on 24.11.2022.

Shri. Ketouzo Peseyie, Executive Engineer (Urban Engineering Wing) & PIO, Directorate of Urban Development, Nagaland stated that all the required information was compiled and kept ready, and since no postal correspondence address was given, he had tried to telephonically inform the applicant to collect the information, however the applicant could not be contacted. Since the applicant had given two mobile numbers, on being asked by the Commission if any attempt was made to contact the applicant through the second number, the EE & PIO replied no such attempt was made and till date the information had not been furnished to the applicant. A copy of the information which was readied was produced before the Commission during the hearing.

The Commission observed that Shri. T. Mangyang Lkr, Joint Director & PIO, Directorate of Urban Development had, on receipt of the RTI application dated 26.04.2022 on the same day transferred it to the EE & PIO, Urban Development promptly on 28.04.2022. Considering the receipt of the RTI application by the EE& PIO on 28.04.2022, since the information was not furnished till the date of the hearing on 24.11.2022, there was a delay for more than 100 days for which maximum penalty is attracted. Shri. Ketouzo Peseyie, Executive Engineer (Urban Engineering Wing) & PIO had also admitted the delay in furnishing the above information to the applicant (now complainant).

## **DECISION**

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

1. Since the information could not be furnished within 30 days as mandated under section 7(6) of the RTI Act, 2005, Shri. Ketouzo Peseyie, Executive Engineer (Urban Engineering Wing) & PIO, Directorate of Urban Development, Nagaland, Kohima-798611, shall furnish the complete information as sought to the applicant (now complainant) **free of cost within 10 (ten) days** from the date of receipt of this decision and with a copy to the Commission.
2. On receipt of the information, the applicant (now complainant) shall submit satisfaction or non-satisfaction to the PIO and with a copy to the Commission **within 15 (fifteen) days** from the date of receipt of the information. In case, no confirmation is received from the applicant (now complainant) within the time frame given by the Commission, the case shall be presumed as satisfied and no further request to re-open the case shall be entertained.
3. Under section 20(1) of the RTI Act, 2005, penalty at the rate of Rs. 250/- per day for the delay of more than 100 days, amounting to Rs. 25,000 (Rupees twenty five thousands only) is imposed on Shri. Ketouzo Peseyie, Executive Engineer (Urban Engineering Wing) & PIO, Directorate of Urban Development, Nagaland, Kohima for contributing to the delay in furnishing the information to the applicant (now complainant) without any reasonable cause.

The above penalty amount shall be paid **within 15 (fifteen) days** from the date of receipt of this decision. The penalty amount shall be deposited into the Government account through **treasury challan** in favour of the Accounts Officer, Nagaland

Information Commission, Kohima under the Head of Account given below, with a copy (in original) to this Commission:-

- 0070- Other Administrative Services.
- 60- Other Services.
- 118- Receipts under RTI Act, 2005.

Decision pronounced *ex-parte* in the presence of only the respondents on 24.11.2022 at 11:30 A.M

Copies be given to:

1. The PS to the Chief Information Commissioner, Nagaland Information Commission for kind information of the CIC.
2. Shri. T. Mangyang Lkr, Joint Director & PIO, Directorate of Urban Development, Nagaland, Kohima-797001, Mobile No. 9615625812.
3. Shri. Ketouzo Peseyie, Executive Engineer (Urban Engineering Wing) & PIO, Directorate of Urban Development, Nagaland, Kohima-797001, Mobile No. 8413078098.
4. The Accounts Officer, Nagaland Information Commission, Nagaland, Kohima.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website.
6. The applicant (now complainant), Shri. R. N. Nungsang, Mokokchung, Mobile No. 8787383336 / 9402724048.
7. Office Copy.

**Sd/-**  
**I. MEYIONEN JAMIR**  
Chief Information Commissioner

Authenticated true copy:

(Worhonthung Ezung)  
Deputy Secretary