

Remd No 426 DATE 28/8/23

905/RTI/23/20

Amis

GOVERNMENT OF ARUNACHAL PRADESH
OFFICE OF THE DEPUTY COMMISSIONER : LOWER SIANG DISTRICT
: LIKABALI :

NO.DC/LSD/RTI- 01/2022/635
To,

Dated Likabali the 6th July' 2023.

The Executive Director, PGCIL
Comp and T&D Scheme.
Niti Vihar, 4th floor, Opp CM Bungalow
Itanagar-791111 (A.P)

Sub:- Reminder reg. (APPEAL UNDER SECTION 19(1) OF RTI ACT 2005).

Sir,

I am forwarding herewith an appeal under Section 19 (1) of RTI Act'2005 received from Sri Mikre Taso, Upper Colony Likabali, PO/PS Likabali. In this respect I have forwarded the application (Form A) in original vide No.DC/LSD/RTI-01/2022/415 dated 17th May' 2023, but till date you have not furnish information under RTi Act 2005, Section 6 (1) reg.Construction and erection of poles and towers of 132 KV (S/C on D/C Tower) from Subansiri right bank (NHPC Gerukamukh) to Nari village, Lower Siang District, A.P. PGCIL being implementing agency you are to furnish the required information from your end immediately with an intimation to Deputy Commissioner being the first appellatant authority. A copy of FORM - A & Appeal under Section 19 (1) is enclosed herewith for your ready references.

This is for your early necessary action.

Encl:- As stated above.

157 Regd: 06.09.23

Yours faithfully,
6/7/2023

(Toni Mitkong) PIO-cum-EAC
for Deputy Commissioner
Lower Siang District
Likabali

Dated Likabali the 6th July' 2023.

Memo No.DC/LSD/RTI- 01/2022/
Copy to:-

1. PA to DC for information please.
2. The Registrar, SIC Itanagar for information please.
3. Sri Mikre Taso. Upper Colony Likabali, PO/PS Likabali for information.
4. Office copy.

Urgent

Plx discom.
Ashish Agrewal
28/8/23

28/8/23
Sh. Ashish Agrewal

→ GM (PESM), NERTS

(Toni Mitkong) PIO-cum-EAC
for Deputy Commissioner
Lower Siang District
Likabali

APPEAL UNDER SECTION 19 (1) OF RTI ACT 2005

To,

The Deputy Commissioner/ Appellate Authority

Lower Siang District,
PO/PS – Likabali,
Arunachal Pradesh.

Full Name of Appellant :- Shri Mikre Taso.

Address with Mobile No. :- Upper Colony, Likabali

District Lower Siang, Arunachal Pradesh

6909975426

Particulars of PIO :- Extra Assistant Commissioner, Likabali, Lower Siang
District, Arunachal Pradesh.

Date of filling RTI Application appeal against: 17/05/2023

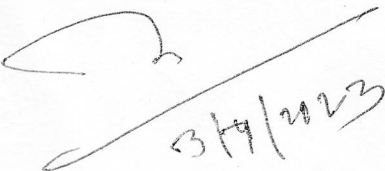
Last date for filling Appeal :- 17/07/2023

Reasons for appeal :- The Extra Assistant Commissioner Cum Public Information Officer concerned has not furnished/supplied the information sought by the appellant under RTI Act 2005 . .

Brief facts leading to the First Appeal

1. That, present Appellant had submitted a RTI application dated 17.05.2023 under RTI Act 2005 before the Public Information Officer. The appellant sought information regarding the construction and erection of poles and towers of 132 KV (S/C (on D/C Tower) from Subansiri right bank (NHPC Gerukamukh) to Nari village, Lower Siang District, Arunachal Pradesh.

A Xerox copy of the RTI application dated 17/05/2023 filed by the appellant is Annexed here as **ANNEXURE No.-1**.


3/7/2023

2. That, it is already 47 (forty-seven) days passed since the appellant submitted his RTI application dated 17/05/2023 but neither the appellant get the sought information nor did get any refusal/communication letter from concerned PIO with regards to the information sought by the appellant.

So this appeal is being made.

THE SUBMISSIONS IN SUPPORT OF GROUNDS OF APPEAL:

1. That, as per Section 7(1) of the RTI Act 2005, the PIO has to give the requested information expeditiously as possible and in any case within 30 days of the receipt of the RTI application that is before 17/06/2023. But till date the appellant did not received any reply from concerned PIO in regards to the appellant's sought information. The non-reply and non-response of concerned PIO is violation of the rules and very spirit of RTI Act.2005.
2. That, as per the Section 7(2) of RTI Act 2005, if concerned PIO did not reply the RTI application within the specified period under Section 7(1) then it shall be deemed as a refusal of RTI application.
3. That, as per the Section 19(1) of RTI Act 2005, this appellant has a right to file First Appeal to Appellant Authority against "DEEM REFUSAL" by PIO.
4. That, the concerned PIO failed to comply with the time limits specified in Section 7(1) of RTI Act 2005. Thereby now this appellant has a right to get sought information **FREE OF COST** under section 7(6) of RTI Act 2005. The provision of section 7(6) of RTI Act 2005 is reproduced below for ready reference of your honor.

"Notwithstanding anything contained in sub-section (5), the person making request for the information shall be provided the information free of charge where a public authority fails to comply with the time limits specified in sub-section (1)."

SPECIAL NOTE

- i) That, it is to submit that under section 19 (1) of RTI Act 2005 your honor being a Head of Department and Senior in rank to concerned PIO has power to entertain and decide this appeal.
- ii) That, it is to submit that your honor function under section 19(1) of RTI Act 2005 is a Quasi-Judicial function. Thereby this appellant would like to bring notice of your honor to the guideline issued by the Govt. of India Ministry of Personal, P.G. and Pensions, Department of Personal & Training, vide O.M. No. 1/3/2008-IR dated 25/04/2008. Specifically the Para 38 of the aforesaid guideline, which

described the necessary guidance to be followed by the First Appeal Authority while deciding the First Appeal. The Para 38 of aforesaid guideline is reproduced below;

"38. Deciding appeals under the RTI Act is a quasi-judicial function. It is, therefore, necessary that the appellate authority should see to it that the justice is not only done but it should also appear to have been done. In order to do so, the order passed by the appellant authority should be a speaking order giving justification for the decision arrived at."

- iii) That, it is to submit that your honor has power to call for record of information's sought by this appellant from concerned PIO and give it to this appellant in the interest of justice which is categorically mentioned in Para 40 of aforesaid O.M. No.1/2/2008-IR dated 25/04/2008. This is reproduced below.

"40. If an Appellate Authority comes to a conclusion that the appellant should be supplied information in addition to what has been supplied to him by the CPIO, he may either (i) pass an order directing the CPIO to give such information to the appellant; or (ii) he himself may give information to the appellant while disposing off the appeal. In the First case the Appellant Authority should ensure that the information ordered by him to be supplied to the appellant immediately. It would, however, be better if the appellant authority chooses the second course of action and he himself furnishes the information along with the order passed by him in the matter."

- iv) That, the intentional disregard and disobeying of RTI Act 2005 by concerned PIO is affecting this appellant *fundamental right* guaranteed under Articles 19(1) and 21 of Constitution of India and Statutory right under RTI Act 2005.
- v) That, this appellant humbly appends important extract from judgment of **Hon'ble SUPREME COURT OF INDIA in Lucknow Development Authority V/s. M.K. Gupta [CITATION: 1994 AIR 787 1994 SCC (1) 243 JT 1993 (6) 307 1993 SCALE (4)370}**

"Under our Constitution sovereignty vests in the people. Every limb of the constitutional machinery is obliged to be people oriented. No functionary in exercise of statutory power can claim immunity, except

to the extent protected by the statute itself. Public authorities acting in violation of constitutional or statutory provisions oppressively are accountable for their behavior before authorities created under the statute like the commission or the courts entrusted with responsibility of maintaining the rule of law.

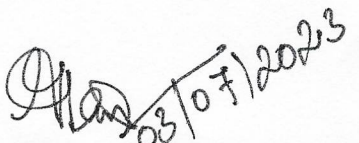
- A fee of Rs 10/- (Rupees ten) only has been deposited in favor of the office of the competent authority vide IPO No. 59F362496 dated: 17/01/2023.

Prayer:-

The concerned PIO should be instructed in writing to provide this appellant sought information **FREE OF COST**.

Place:- Likabali

Date:- 03/07/2023


(Signature of the Appellant)

APPLICATION FORM UNDER RIGHT TO INFORMATION ACT 2005

To,

The Public Information Officer,
Extra Assistant Commissioner,
Likabali, Lower Siang District,
Arunachal Pradesh.

Subject: Request for Information under Section 6 (1) of Right to Information Act 2005.

1. Name of applicant: -
 - i. Shri Yomjum Nguba
 - ii. Shri Mikre Taso
2. Address: -
 - i. Siloni village, PO/PS: Likabali, District: Lower Siang, Arunachal Pradesh, M. No:- 8798911568.
 - ii. Upper Colony, PO/PS: Likabali, District: Lower Siang, Arunachal Pradesh, M.No :-6909975426.
3. Concerned department: - Power Grid Corporation of India Limited (PGCIL)
4. Particulars of information: - Construction and erection of poles and towers of 132 KV (S/C (on D/C Tower) from Subansiri right bank (NHPC Gerukamukh) to Nari village, Lower Siang District, Arunachal Pradesh.
5. period for which information required: 2019 to 2023
6. Details of information required: -
 - a. Please provide me the certified true copies and details of the total number of poles and towers erected/ constructed till date along with the photographs of the completed poles/towers with location.
 - b. Please provide me the certified true copies and details of the total numbers of approved poles and towers as per the Detail Project Report (DPR).
 - c. Please provide me the certified true copies of the detail project report (DPR) in respect of the work above mentioned in Sl. No.4.
 - d. please provide me the certified true copies of the name and list of the persons/beneficiaries who availed compensation amount from the power Grid Corporation of India Limited (PGCIL) against their private lands and further please provide the details of the total

amount received by each beneficiaries as compensation specifying whether payment was made in cheque or cash and if payment was made in cheque then details of the cheque.

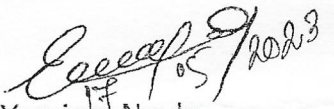
- e. Please provide me the certified true copies and the details of the total sanctioned amount by the Power Grid Corporation of India Limited (PGCIL) for the payment of compensation to the beneficiaries/private land owners.
 - f. Please provide me the certified true copies and the details of the undertaking signed by the beneficiaries while receiving the compensation amount.
 - g. Please provide me the certified true copies and details of the survey report and estimate prepared prior to payment of compensation and further please provide me the list of approved rates fixed for standing crops, fruit trees, betel nut, bamboo etc.
 - h. Please provide me the certified true copies and details of the Geo-tagging map of the pole/tower points and survey report prepared for each beneficiary.
 - i. Please provide me the certified true copies and the details of the period for completion of the said project specifying the date for the commencement of work and date on which the said work shall have to be finished and further provide me the work completion report/certificate if any.
 - j. Please provide me the certified true copies of entire file noting maintained by your good office pertaining to the above noted work mentioned in the sl. No.4.
7. I state that the information's sought does not fall within the restrictions contained in Section 8 of the RTI Act. 2005 and to the best of my knowledge it pertains to your office.
- If some of the information sought by me is not available at your office then may be please to transfer my copy of application U/S 6 (3) of RTI ACT 2005 to other Public Information Officer under whose custody information sought by me is available and intimate the same to me through letter.
 - A copy of this application retained by me for further legal action U/S 18 and U/S 19 of the RTI Act 2005.

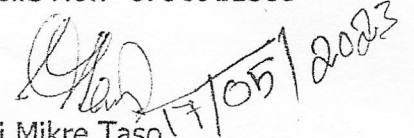
8. A fee of Rs 10/- (Rupees ten) only has been deposited in favor of the office of the competent authority vide IPO No. ...59.F.262490 dated: 17/01/2023

Place:- Likabali.

Date:- 17/05/2023

Name and Signature of applicants


Shri Yomjumi Nguba
S/O: Late Keyom Nguba
Village: Siloni
PO/PS: Likabali
Dist: Lower Siang, AP
Mobile No.:- 8798911568


Shri Mikre Taso
S/O: Shri Tamik Taso
Add: Upper Colony
PO/PS: Likabali
Lower Siang District
Arunachal Pradesh
M/No.:- 6909975426.

NO-DCL-50/RTI-01/2022-1635

OIGS

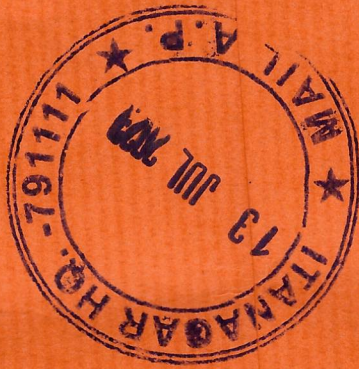
Dated - 6/7/2023

To,



The Executive Director, Pencil
Comp and TSD Scheme
Niti Nihar, 4th Floor, Opp CM Bungalow
Itanagar - 791111 (A.B)

Dispatcher
Deputy Commissioner
Likabali, Lower Siang Dist.
Arunachal Pradesh



Speed Post

To,
Sh ARNOT LANG SYNGKON,
POWER GRID CORPORATION OF INDI LIMITED,
NERTS, RHO, SHILLONG,
DONGITIEH, LAPALANG, NONGKATH,
SHILLONG - PIN - 793006,
MEGHALAYA.

from
Sr DGM, PESH
Powergrid, Umang
NITIVIKAR.





Counter No: 1. 21/09/2023, 11:39
AMF: 41.20 (cash/WF: 113085
(111111)
From: TAMBAH N O (791111)
To: S.H. Liang ICH Hub
Del. PO: 899748 S. 07190063