

**MEGHALAYA INFORMATION COMMISSION,  
SHILLONG**

...

**No.MIC/Appeal/49/2008/71**

Smti Lila Elwin, Lachumiere, Shillong - Appellant

-Vrs-

(1) D.A.A., Meghalaya Urban Development Authority (MUDA)  
(2) P.I.O., Meghalaya Urban Development Authority (MUDA) } Respondents

**5-8-2008**

**ORDER**

Shri Lila Elwin is the appellant in this case. The appeal petition dated 21-7-2008 was received in this Commission on 30-7-2008. The cause of action leading to the filing of the second appeal before this Commission is as follows:

The appellant had filed an application for information under the RTI Act, 2005 before the Respondent No.2 viz., the PIO, Meghalaya Urban Development Authority (MUDA), Shillong on 6-5-2008. The PIO vide correspondence No. MUDA\rtI/13/2008-09/2 dated 6-6-2008 furnished the information to the appellant within the statutory period of 30 days. Not satisfied with the information furnished by the PIO, the appellant preferred the first appeal before the D.A.A., MUDA, Shillong on 21-7-2008. And, on the same day, that is 21-7-2008, the appellant preferred the instant second appeal before the Commission.

The scheme of things as provided under section 19 of the RTI Act for appeals is that any person who does not receive any decision within the time specified under section 7(1) or Section 7(3) (a) or is aggrieved by a decision of the PIO, may within 30 days from the expiry of such period or from the receipt of such decision, preferred the first appeal to the DAA (First Appellate Authority). On receipt of the first appeal, the DAA shall disposed it within 30 days of the day of receipt or within such extended period not exceeding a total of 45 days from the

date of filing of the appeal thereof, for reason to be recorded on writing. On receipt of the decision made by the First Appellant Authority under section 19(6) or, if no such decision is made by the DAA after the expiry period of 30 days/45 days, the appellant may prefer the second appeal before the State Information Commission within a period of 90 days from the date on which decision should have been made or was actually received.

Thus, the law has allowed a specific period of time to the DAA to dispose of the first appeal. It is only when the DAA (First Appellate Authority) failed to make such decision within the time specified by law or the appellant is not satisfied with the decision of the First Appellate Authority that the Commission may be approached by way of a second appeal.

In the instant case, the appellant has filed the first appeal before the DAA on 21-7-2008 and without waiting for disposal of the appeal by the DAA she has preferred the second appeal before the Commission. This is not inconsonance with the provisions of the RTI Act.

The Commission therefore, finds that the instant appeal is pre-mature and hence does not warrant its intervention at this stage.

The appeal petition is, therefore, dismissed.

**(G.P.Wahlang)**

Chief Information Commissioner, Meghalaya.

Memo.No.MIC/Appeal/49/2008/71-A

Dated Shillong, the 5<sup>th</sup> August, 2008

Copy to:-

1. D.A.A., Meghalaya Urban Development Authority (MUDA), Shillong
2. P.I.O., Meghalaya Urban Development Authority (MUDA), Shillong
3. Smti Lila Elwin, Widow of (L) Dr Verrier Elwin, 55 – Lower Lachumiere, Shillong.

**( P.T.Rani )**

Under Secretary,  
Meghalaya Information Commission,  
Shillong.