



MIZORAM INFORMATION COMMISSION

(Under the RTI Act, 2005)

MINECO, KHATLA, AIZAWL

Landline: 0389-2334833 / **Email:** mic.mizoram@gmail.com / **Website:** mic.mizoram.gov.in

Case No. S.A. 352/2026-MIC

*Sanjeev Jain,
Zarkawt.*

...Appellant

Vs

*1. Laldinpuia,
SPIO & Deputy Secretary,
Finance Department.*

...Respondents

*2. Lalhmingmawia Sailo,
FAA & Additional Secretary,
Finance Department.*

RTI application filed on	:	22.12.2025
SPIO replied on	:	NIL
First Appeal filed on	:	26.01.2026
FAA issued order/replied on	:	NIL
Second Appeal received on	:	24.04.2026

Date & Time of hearing	:	20.05.2026 at 12:00 Noon.
Date of decision	:	20.05.2026

Pu John Neihlaia, State Chief Information Commissioner presided over the hearing. Pu Mangjangam Touthang, State Information Commissioner and Dr Lalzirmawia Chhangte, State Information Commissioner were present and participated in the hearing.

The appellant and the respondents took an oath before commencement of the hearing.

FACTS EMERGING DURING THE HEARING:

1. The applicant sought information in respect of tender processing fees charged by Power & Electricity Department, Government of Mizoram and certified copies of rules, circulars, office memoranda, and accounting instructions, regarding the guidelines for Tender Processing Fees and Demand Drafts in procurement, documentation clarifying the exact purpose, accounting head, and financial nature of these fees, including whether they are refundable after technical bid openings, technical disqualifications, tender cancellations, or re-tendering processes. In his application, he also requested for records detailing whether a

Demand Draft from an original tender can be reused or carried forward for a re-tender of the same work, or if a fresh instrument is mandatory for each new submission.

2. As both the SPIO and FAA were silent on the matter, Second Appeal was preferred. Summons were issued to the appellant and respondents to appear before the Commission and as scheduled, hearing was held wherein all the concerned parties were present in person.
3. The appellant stated that a period of more than four months has elapsed since the submission of the RTI application and thus, his reason for submitting Second Appeal. He then requested the Commission to help him get the desired information.
4. The SPIO informed the Commission that while Finance Department has designated separate SPIOs for its various branches, the availability of only a single centralized RTI Online portal account - previously caused all branch-specific applications to accumulate under his account. Although the subject matter of the instant RTI application does not fall under his specific purview, he has tendered an apology for the resultant delay in providing a timely response and assured that the information sought can be provided.

OBSERVATIONS: -

1. Under Section 7(1) of the RTI Act, an SPIO must expeditiously process an application within thirty days of receipt, either by providing the information upon payment of the prescribed fee or by rejecting the request. Additionally, Section 7(2) stipulates that a failure to communicate a decision within this mandated timeframe constitutes a **"deemed refusal"** of the application. The SPIO's complete inaction in this matter represents a severe statutory violation; failing to respond amounts to an unlawful denial of information, rendering the official liable for penal action under Section 20 of the RTI Act, 2005.
2. The denial of information under the Right to Information (RTI) Act, 2005 goes against the very spirit and objective of the legislation, which is to promote transparency, accountability, and participatory governance. The Act was enacted to empower citizens to access information held by public authorities, thereby reducing corruption and enhancing trust in government institutions. When information is unjustly withheld or delayed, it undermines citizens' right to know, creates barriers to democratic participation, and weakens mechanisms of public accountability. Such denials defeat the fundamental purpose of the RTI Act, which seeks to make government functioning open, responsible, and answerable to the people.
3. Under the RTI Act, the First Appellate Authority (FAA) is required to function as a robust quasi-judicial arbiter rather than an administrative extension of the SPIO. Adhering to the principles of natural justice demands a shift from passive written replies to mandatory formal hearings, ensuring appellants are genuinely heard. Bypassing this process risks turning the appellate stage into a mere bureaucratic formality that shields departmental lapses. Conversely, conducting a hearing establishes a transparent forum to test the legality

of a denial and hold the SPIO to a higher standard of justification. Ultimately, a reasoned "speaking order" resulting from a hearing establishes the FAA as a proactive guardian of transparency, resolving disputes at the source. Accordingly, the FAA & Additional Secretary is directed to strictly adhere to the relevant provisions of the RTI Act and Rules for all future First Appeals.

DECISION: -

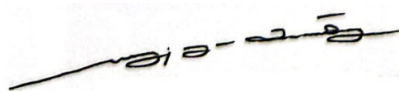
In view of the above, **the Commission hereby directs that Pu Laldinpuia, SPIO & Deputy Secretary, Finance Department shall provide the information, free of cost, to the appellant not later than 26.05.2026 (Tuesday)** and submit compliance report to the Commission with all the enclosures.

The appeal is disposed of accordingly. Copy of decision to be given, free of cost, to all the parties.



(JOHN NEIHLAIA)

State Chief Information Commissioner
Mizoram Information Commission



(MANGJANGAM TOUTHANG)
State Information Commissioner
Mizoram Information Commission



(DR. LALZIRMAWIA CHHANGTE)
State Information Commissioner
Mizoram Information Commission

Memo No. S.A. 352/2026-MIC

Dated Aizawl, the 20th May, 2026

Copy to: -

1. Sanjeev Jain, near Chief Minister's Office & Bungalow MacDonald Hill, Zarkawt, Ph:8822776655.
2. Laldinpuia, SPIO & Deputy Secretary, Finance Department, Ph: 9436153765.
3. Lalhmingmawia Sailo, FAA & Addl. Secretary, Finance Department, Ph: 9436156549.



(LIEY)

Secretary

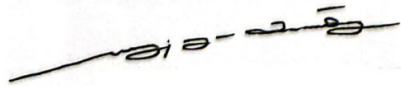
Mizoram Information Commission

Mizoram: Aizawl



(JOHN NEIHLAIA)

State Chief Information Commissioner
Mizoram Information Commission



(MANGJANGAM TOUTHANG)
State Information Commissioner
Mizoram Information Commission



(DR. LALZIRMAWIA CHHANGTE)
State Information Commissioner
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(LIEY)

Secretary
Mizoram Information Commission
Mizoram: Aizawl