



ARUNACHAL PRADESH INFORMATION COMMISSION

ITANAGAR.

Appeal Case U/S 19(3) of RTI Act, 2005

Vide Case No. APIC- 637/2023.

**Shri Nabam Tapak, (Gyamar Hina)
Lekhi Village back side of Iconic dealer
Naharlagun.**

..... APPELLANT

Vs

**The PIO, o/o the Executive Engineer (RWD),
Sagalee Division, Sagalee.**

..... RESPONDENT.

ORDER

This appeal has been listed and heard for 8(eight) times on 19.06.2024, 24.07.2024, 23.08.2024, 11.09.2024, 04.10.2024, 01.11.2024, 27.11.2024 and 14.05.2024. But except on 04.10.2024 and 27.11.2024, the PIO did not appear in rest of the hearing. Due to his consecutive absence in the hearing and his failure to respond positively to the direction of this Commission the PIO, Er. Shri Gollo Tara, Executive Engineer (RWD) was issued show cause notice on 06.11.2024 for the 2nd time. In the hearing on 27.11.2024 the PIO was present with the sought for information which were handed over the appellant.

As the PIO has brought in the documents/information sought by the appellant during the hearing, the 2nd show cause notice issued to the PIO was closed.

The appellant who went through the documents was largely satisfied with most of the documents except the following some of which were either not furnished at all or furnished incomplete :

1. Sl. No. 10 (Name of final Bill Sheet against whom work has been awarded and made payment);
2. Sl.No.11(Completion Report installation-wise);
3. Sl. No.12 (copy of payment made to contractor and state/status of scheme);
4. Sl. No 13 (Xerox copy of Challan of EMD);
5. Sl. No 15 (Xerox copy of duration of contract);
6. Sl. No.19 (remaining amount of scheme);
7. Sl. No.20 (instalment amount already paid to the contractor);
8. Sl. No.25 (Utilisation Certificate) and
9. Sl. No.32 (copy of geo-tag photo)

In the said hearing the PIO submitted that since the PMGY projects are executed in OMMAS modules and payment to the contractor is also made thereunder, the Utilisation certificate (S/. No.25) and the cheque counter-foil/cheque leaf are not available and hence, not furnished. The appellant, however, insisted for an affidavit to that effect by the PIO.

This Commission, upon hearing the parties, directed the PIO to furnish the remaining information as above and also a declaration, with reasons, by way of an affidavit against whatever documents 'not available' or 'not applicable' as required under the Rule 5(vi) of the A.P Information Commission (Appeal Procedure) Rules, 2005 within 2(two) weeks from the date of receipt of order and the appellant was also directed to go through the same and report his satisfaction or otherwise to this Commission so that the next date of hearing, if required, could be fixed.

This Commission, however, noticed that both the PIO and the appellant remained silent about the compliance of the aforesaid order till 11.04.2025 when the appellant, vide his letter dt.11.04.2025 addressed to this Commission, informed that he did not receive the left-out documents as yet from the PIO and therefore, requested for further hearing of the appeal.

In view of non-compliance of the direction of this Commission by the PIO, this Commission listed this appeal again on 14.05.2024 for the 8th time and summoned him to appear in person but he again failed to appear. However, his representative, Er. Shri Kuma Welly, ASW, o/o the Executive Engineer (RWD), Sagalee Division brought in the left out documents after the hearing was over. The documents were handed over to the appellant today on 15th May, 2025.

The appellant went through the documents/information including the affidavit containing declaration against those not available and expressed his satisfaction therewith except the "letter of undertaking" on the Completion Report (Sl. No.11) which he complained as misleading. He submitted that as per the BILL OF QUANTITY furnished by the PIO, the stipulated dateline for completion of the construction of the road was 05.01.2021. As such, *the undertaking signed by the PIO which says that the work is still in progress is false and misleading*. He, therefore, insisted for the completion report as demanded by him.

This Commission, on perusal of the undertaking furnished by the PIO on the "Completion Report" and contents therein, holds that as already directed such statement /declaration should be made by way of an Affidavit as has been done in respect of other points such as UC, mode of payment etc.. The PIO is, accordingly, directed that if the Completion Report can not be furnished, a declaration to that effect by way of an affidavit citing reasons and not an 'undertaking' be furnished to the appellant within 1(one) week from the date of receipt of this order with intimation to this Commission. The appellant shall also intimate to this **within 1(one) week** thereafter of the receipt of the same **failing which this appeal shall stand disposed of and closed**.

Given under my hand and seal of this Commission on this 15th May, 2025.

Sd/-
(S. TSERING BAPPU)
State Information Commissioner,
APIC, Itanagar.

Memo No. APIC- 637/2023/

1588

Dated Itanagar, the

16/5

May, 2025

Copy to:-

1. Superintending Engineer (RWD), Govt. of A.P, Rural Works Circle, Itanagar, the First Appellate Authority (FAA) for information and ensuring compliance by the PIO concerned.
2. The PIO, o/o the Executive Engineer (RWD), Sagalee Division, District Papum Pare, Arunachal Pradesh for information and compliance.
3. Shri Nabam Tapak & Shri Gyamar Hina Lekhi Village, Backside of Iconic dealer, Papum Pare (A.P) PO/PS Naharlagun PIN: 791110 Mobile no. 9366534930 for information and necessary action.
4. ✓ The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
5. Office copy
6. S/copy

Panag 16/05/2025
Registrar/ Deputy Registrar
APIC, Itanagar
Deputy Registrar
Arunachal Pradesh Information Commission
Manager