



ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Case No. APIC-89/2025.

APPELLANT : Shri TamchiGungte, Near KV-II School Chimpu
RESPONDENT : The PIO, o/o the Executive Engineer (PWD),
Govt. of A.P, Roing Division, Lower Dibang Valley.

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Tamchi Gungte for non-furnishing of below mentioned information by the PIO, o/o the Executive Engineer (PWD), Govt. of A.P, Roing Division, Lower Dibang Valley, Arunachal Pradesh as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 14.10.2024.

A) Particular of information : c/o "Improvement of Bomjir-Paglam road (Bizari to Anpum, L-13.400 km) " during the financial year 2021-22.

B) Details of information required :

1. Certified Sanction Order copy;
2. Certified LOC copy;
3. Certified copy of utilization certificate;
4. Certified copy of Notice Inviting Tender (NIT) ;
5. Certified copy of Progress report of the projects in physical and Financial section till date;
6. Certified copy of copy of Completion certificate of the project;
7. Certified copy of newspaper in which NIT was published (At least 3 news paper
8. Name (one national & 2 Local) along with date of publication of news paper, as per government approved order;
9. Certified design and scope of work in the projects;
10. Certified copy of work specification of the projects;
11. Certified Copy of documents submitted by tender participant for Technical Bid;
12. Name of Firms who won the Tender Work;
13. Name of Officers and their designation at the time of monitoring the work.
14. Certified copy of Contractor Registration, Pass work completion, Contractor enlistment update reports, of tender participant and winning Firm;
15. Certified copy of EMD and Security money deposited by all the tender participant;
16. Certified Integrity Pact submitted by the tender participant;
17. Certified copy of an Affidavit copy sworn before a competent Magistrate by the
18. Contractor, to the effect that he does not have two or more incomplete ongoing commitments (project / contract to execute) at the time of bidding by the tender participant and winning firm. (as per rule SPWD/W-66/2012 Dtd. 01.08.2018);

19. Certified documents submitted by tender participant and winning firm, i.e. copy of completed three similar work each of value not less than 40% of the estimate cost or completed two similar work each of value not less than 60% of the estimated cost or completed one similar work of value not less than 80 % of the estimated cost in the last 5 years ending last day of the month previous to the one in which the tenders are invited;
20. Certified copy of Acceptance letter for Tender Work by the Executing Agency to the tender winning firm;
21. Certified copy of Work Order given to the Contractor by the Executing Department;
22. Certified copy of modes adopted for the execution of work through EPC mode by the Dept;
23. Agreement copy made between the Contractor and the Executive Agency for the projects mentioned above;
24. Photograph of worksite (Glossy paper) before starting of work and photograph (Glossy paper) after completion of work
25. Geo Coordinate information for the work mentioned above and
26. Certified payment details of the project till date.

Brief facts:

Records emerging from the appeal revealed that the Appellant had requested for the aforementioned documents/information from the PIO but, apparently, did not receive within the stipulated period of one month in view of which he approached the Chief Engineer (PWD) (E.Z), Namsai, the First Appellate Authority (F.A.A) under Section 19 (1) of the RTI Act vide his Appeal Memo dated 11-11-2024.

Records further disclose that the FAA had conducted the hearing on 12.12.2024 wherein the PIO was represented by Er. Smti. Niti Taki, A.E but the appellant was absent. The FAA, therefore, passed an ex-parte order dt.12.12.2024 after hearing the representative of the PIO who had submitted before the FAA that the requested information was already sent to the appellant vide letter dt.06.12.2024 upon deposit of Rs.108.00 by the appellant. Since the appellant was absent, the hearing was adjourned to 10.01.2025 with a direction to the appellant to go through the information provided by the PIO and revert back with the shortfall, if any, in the next hearing.

In the 2nd hearing on 10.01.2025, the appellant was again absent without any intimation and due to continued absence of the Appellant and in view of the fact that the sought for information had already been furnished to the Appellant, the F.A.A, vide order dated 15.01.25 disposed of the appeal in terms of its earlier observation and order that if the Appellant continues to remain absent the appeal shall be disposed of presuming that the Appellant is satisfied with the information(s) provided by the PIO and is no more interested in the appeal.

The Appellant, however, preferred his second appeal under Section 19 (3) of RTI Act, 2025, before this Commission vide his Memo of appeal dated 17-01-2025 on the ground that the PIO had furnished incomplete information.

Hearing and decision:

This appeal was, accordingly, heard for 3(three) times on 23.04.2025, 21.05.2025 and on 06.06.2025. In the hearing on 24.04.2025 wherein the Appellant, Shri Tamchi Gungte was present in person but the PIO was absent, the Appellant, while acknowledging the receipt of the documents/information(s) furnished by the o/o

the PIO, expressed his dissatisfaction therewith stating that the PIO has not furnished complete information on points at Sl.No. 5,7,8,9,10,12,14,16,17,18,19, 22, 23 and 24 of his RTI application.

This Commission after hearing the appellant and considering his submission directed the PIO to furnish the left-out information(s)/documents to the Appellant on or before 21st May, 2025, the next date of hearing on 21.05.2025.

In the hearing on 21.05.2025, the Appellant, Shri Tamchi Gungte was present in person but the PIO, Er. Shri Keni Zirido, EE attended the hearing through VC.

The Appellant reiterating his request for the left out information, pleaded for an appropriate direction to the PIO to furnish the same. The PIO, on the other hand, submitted that all the sought for information /documents had already been dispatched to the appellant through speed post on 16th May, 2025. A copy of the letter forwarding the requested information was also received by this commission on 20th May, 2025.

This Commission, upon hearing the parties and perusing the PIO's letter dt.16.05.2025, directed the appellant to intimate this Commission of the receipt of the documents and his satisfaction therewith within 30th May, 2025 to enable this Commission to pass further order.

In compliance with the direction of this Commission, the appellant informed this Commission vide his letter dt.03.06.2025 that the he has received the documents from the PIO on 29.05.2025 but the PIO did not provide the left out documents as shown hereunder:

- 1.Sl. No.7 : The copy of newspaper in which NIT was published;
- 2.Sl. No.12:Name of officers and their designation at the time of monitoring the work;
- 3.Sl. No.16:Affidavit sworn by the Contractor to the effect that he does not have two or more incomplete ongoing projects;
- 4.Sl. No.22: Photograph of worksite before starting of work and photograph after completion of work;
- 5.Sl. No.24:Certified payment details of the project till date.

In the hearing on 06.06.2025, the Appellant, Shri Tamchi Gungte was present in person and the PIO was represented his APIO, Er. Shri Vikash Bagang, JE.

This Commission heard the appellant who reiterated his complaint about the incomplete documents as above and demanded for penal action under section 20 of the RTI Act against the PIO. This Commission, noticing that the left-out documents are not covered by the exemption provisions of the section 8 or 9 of the RTI Act, directed the PIO to furnish the same within 2(two) weeks from the date of receipt of the order so as not to constrain this Commission to invoke section 20 of the RTI Act.

The appellant, however, complained vide his letter dt. 24.06.2025 that despite this Commission's order dt.09.06.2025, the PIO failed to furnish the left out information to him. This Commission taking a serious view of the non-compliance of its aforesaid order dated 09.06.2025 by the PIO making him liable to action under section 20 of the RTI Act, 2005, issued show cause notice to him on 26.06.2025 as to why penalty of Rs. 25,000.00 (Rupees twenty five thousand) should

not be imposed on him in terms of the provisions of section 19(8)(c) r/w section 20(1) of the RTI Act, 2005 for non-compliance of the direction of this Commission and directed him to appear in person on 04.07.2025.

In the hearing today on 04.07.2025, the PIO did not appear but Er. Shri Vikash Bagan, JE represented the PIO who has brought in the left out documents to be furnished to the appellant. The representative of the PIO also submitted the reply of the PIO to the Show Cause Notice. The PIO, vide his reply dt.01.07.2025, while submitting that the left out documents has been sent through his representative, prayed for exemption from his personal appearance as he is facing health issues.

This Commission perused the left out documents brought in by the PIO's representative which are found to be in order and as per the demand of the appellant. The appellant shall collect the documents from this Commission's office.

This Commission, upon consideration of the reply submitted by the PIO and also on perusal of the left out documents brought in by the PIO's representative as per the demand of the appellant in his RTI application, closes the show cause notice dt.26.06.2025 and resultantly, this appeal stands disposed of and closed.

Given under my hand and seal of this Commission on this day of 7th July, 2025.

Sd/-
(S. Tsering Bappu)
State Information Commissioner

Memo No. APIC- 89/2025 470 Dated Itanagar, the 07 July, 2025

Copy to:

1. The Commissioner/Secretary (PWD), Govt. of A.P, Itanagar for information.
2. The Chief Engineer (PWD), Govt. of A.P, Eastern Zone, Thana Road, Namsai, Namsai District (A.P), the First Appellate Authority (FAA) for information.
3. The PIO, o/o the Executive Engineer (PWD), Roing Division, Lower Dibang Valley District, PIN – 792110 for information.
4. Shri Tamchi Gungte, Near KV-II School Chimpu, Po/PS Chimpu, Distt. Papum Pare (A.P) PIN: 791113, Mobile No. 9233567279 for information.
5. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
6. Office copy.
7. S/Copy.

P. Singh
Registrar/ Deputy Registrar
APIC, Itanagar.

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar