



## **ARUNACHAL PRADESH INFORMATION COMMISSION**

### **ITANAGAR.**

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

**Case No. APIC-105/2025.**

**APPELLANT** : Shri Birendra Tallong & Hetung Waghe, Chimpu, Itanagar.  
**RESPONDENT** : The PIO, o/o the Executive Engineer (PHE & WS) Itanagar Division, Senki View, Itanagar.

### **ORDER**

This is an appeal under Section 19(3) of RTI Act, 2005 filed by Shri Birendra Tallong & Hetung Waghe for non-furnishing of below the mentioned information by the PIO, o/o the Executive Engineer (PHE & WS), Itanagar Division, Senki View, Itanagar, Arunachal Pradesh as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 06.11.2024.

**A) Particular of information:** c/o with letter No. W-11011/49/2021-wayer-DDWS; dtd. 10.01.2024 of NJJM; (i) Creation of infrastructure of Provisioning higher Service levels i.e, 55I pcd to FHTC every household(s) rural and Urban; (ii) Creation of infrastructure for supplying water to urban household(s) under Itanagar PHE & WS Division/ Itanagar Circle/ Ward(s)/ Block/ Colony/ Sector/ Panchayat/ village (providing water supply) etc, 2021-till date.

**B) Details of information required:**

1. Details & total numbers of schemes sanction, under NJJM/JJM in ward(s) sector (s), colony(s) Borum block and panchayat(s) and village(s) provide true and certified copies only. Certified Sanction Order copy.
2. Certified true copies of details of Govt. recognized/certified/notified /allocated/sanctioned, urban localities, villages(s), where scheme(s) has been sanctioned. Tender Evaluation copy of Technical Bid along with list of Firms participated in the Tender process for the work.
3. Certified true copies of household planned in each scheme sanctioned (A/q to SECC2011) or other authentication surveys based thereto
4. Measurement Book (MB).
5. Account register maintained while payment had been @ per GFR, CPWD work manual & operational guidelines for JJM.
6. Bill paid to contractor(s) phase wise.
7. Bill register, contractor ledger, register of works, materials account and cash book @per GFR, CPWD Works Manual & Operational guidelines JJM and others.
8. Documents of all the tender participants/bidders submitted while participation.
9. Monthly, quarterly and annually reports of the works, progressed with Geo tagged photograph and videos of the works/scheme(s) /projects.



10. District Action Plan.
11. Copy of total amount /fund sanctioned/allocated; DPR and TS of each and every project(s) /scheme(s) respectively.
12. Copy of work order, certificate/letter stating date of commencement and completion reports/utilization certificate submitted to GoAP/GOI against each and every project(s)/Scheme(s) respectively.
13. Total number of household and numbers of households, Anganwadi centres, GP buildings, health Centre, wellness centers and community building(s) where tap connection(s) had been made, Geo tag photograph/video graphs.
14. Details and types of pipe(s) of varied diameter(s) lying/used for the projects with geo-tagged photograph.
15. Details of materials used in FHTC to each household with purchasing bill slip(s) and depth of main and secondary pipelines laid.
16. Details of revenue generated from JJM FHTC program/water supply till date.
17. Details of name and designation of officials involved in the various projects of JJM.

C) Period for which information required : 2021 to till date (06.11.2024)

**Brief facts emerging from the appeal:**

Records revealed that the Appellants herein could not obtain the aforementioned documents/information from the PIO which prompted them to approach the First Appellate Authority (FAA), the Chief Engineer(PHE)(W/Zone) under section 19(1) of the RTI Act vide their Memo of Appeal dt.13.12.2024.

Records further reveal that the FAA, vide his judgement dt.10.01.2025, citing the advisory dt.08.05.2024 issued by this Commission regarding the procedure to be adopted by the FAA/PIO in adjudicating the RTI appeals/applications, directed the PIO to furnish *the information admissible* in parts.

The FAA being a quasi-judicial authority under section 19(1) of the RTI Act, 2005 ought to have properly conducted the hearing of the appeal and applied his mind to the aspects like what kind of information has been sought, whether the information sought for are hit by the provisions of section 8 and 9 etc. and passed a reasoned and speaking order and not a casual order as the present one.

Be that as it may, the appellants, being aggrieved by the response of the FAA and the PIO, preferred his 2<sup>nd</sup> appeal before this Commission under section 19(3) of the RTI Act which was, accordingly, registered as APIC-105/2025.

**Hearing and decision:**

This appeal was, accordingly, listed and heard for 24.04.2025, 13.06.2025 And 18.07.2025.

In the hearing on 25.04.2025, wherein one of the appellants, Shri Birendra Tallong and Shri Khyoda Abo, Surveyor on behalf of the PIO were present in person, this Commission, upon hearing the parties, and on the assurance given by the representative of the PIO that the requested information shall be furnished to the appellant, directed the o/o the PIO to provide within 2(two) weeks from 25.04.2025 the documents / information which this Commission found not covered by any of the exemption clauses of section 8(1) of the RTI Act, 2005 to the appellant.



The appellant was also directed to intimate this Commission of the receipt of the documents/information within 1(one) week.

The appellant, Shri Birendra Tallong, vide letter dt.16.05.2025, however, intimated that the PIO, despite assurance given in the hearing and the direction of the Commission, did not provide the requested documents/information. The appellant had, hence, pleaded for appropriate action against the PIO for willful violation and contravention of the order of this Commission.

This Commission, taking a serious view of the PIO's failure to comply with the order this Commission summoned the PIO again to this Commission for hearing in person on 13<sup>th</sup> June, 2025 with the requested documents/information making it clear that his failure will entail penal action under section 20 of the RTI Act against him.

On 13.06.2025, the appellant, Shri Birendra Tallong was present in person. However, the PIO deputed Er. Shri Nabam Kaku, JE with the requested documents /replies. The appellant, however, complained that many of the requested documents including the MB which most important document have not been furnished but simply mentioned as NA which is clear and deliberate violation of the provisions of RTI Act attracting penal action under the relevant provisions of the RTI Act.

The representative of the PIO on the other hand submitted that both the PIO and APIO, (E.E and A.E) have been on long leave because of which some of the requested documents could not be readied. He, however, assured that as soon as the PIO rejoins his duties, the left out informations will be furnished.

This Commission perused the covering letter dt.12.06.2025 by which the replies to the requested documents has been furnished by the o/o the PIO and it was noticed therein that against some of the points, viz, Sl.No.4, 10,13,15,16 and II(vii), the reply has been shown as "NA". Whether, the said remark stands for 'Not Available' or "Not Applicable", was not clear. Such a vague reply/information was against the spirit of the RTI regime. As per the mandate of RTI Act, the reply should not be incomplete, misleading or false so as not to attract penal action under the RTI Act.

The PIO was, therefore, directed to furnish the left out information / replies and without any vagueness and with specific reasons for 'NA' (whatever it stands for) within a period of one month from the date of receipt of this order and in any case before 18<sup>th</sup> July, 2025, the next date of hearing.

In compliance with the direction of this Commission, the PIO, vide letter dt.14.09.2025, addressed to the appellant, furnished the replies to the remaining queries the receipt of which has been acknowledged by the appellant in the hearing on 18.07.2025 wherein the APIO, Er. Shri Jomnya Jini, AE was present in person.

The appellant stated that he is satisfied with the replies so furnished by the PIO except the replies against Sl. No. 16 (details of revenue generated from JJM FHTC programme till date) which the APIO explained that the revenues is generated by the VWSC and that as when the datas are received from the VWSC, the replies shall be furnished to the appellant.

This Commission finds that in view of the replies and explanation given by the PIO as above, this appeal does not require any further adjudication by this Commission and resultantly, this appeal stands disposed of and closed.

Given under my hand and seal of this Commission on this 18<sup>th</sup> July, 2025.

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

Memo No. APIC- 105/2025/812 Dated Itanagar, the 22 July, 2025

Copy to:

1. The Chief Engineer (PHED), Western Zone, Govt. of A.P, Senki Park, Itanagar, the First Appellate Authority (FAA) for information.
2. The PIO, o/o the Executive Engineer (PHE&WS), Itanagar Division, Senki view, Itanagar Arunachal Pradesh PIN – 791111 for information and compliance.
3. Shri Birendra Tallong, Village Chimpu-I, PO- R K Mission, District : Papum Pare A.P. Mobile No. 6009821985, 8794588032 for information.\*  
18.
- ✓ 4. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
5. Office copy.
6. S/Copy.

*Pragati Singh*  
Registrar/ Deputy Registrar  
APIC, Itanagar

Deputy Registrar  
Arunachal Pradesh Information Commission  
Itanagar