



ARUNACHAL PRADESH INFORMATION COMMISSION

ITANAGAR.

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

Case No. APIC-168 /2025.

(Summon to appear in person)

(Or.5 R.3 of CPC)

APPELLANT : Shri Tamchi Gungte, Near KV-2 School, Itanagar.

RESPONDENT : The PIO, o/o the E.E(WRD), Tezu Division, Teazu.

ORDER/SUMMONS

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Tamchi Gungte for non-furnishing of 26(twenty six) point information on Project sanctioned under Pradhan Mantri Jan Vikas Karyakaram (PMJVK), erstwhile MsDP Scheme, by the PIO, o/o the Executive Engineer, (WRD) Tezu Division, Lohit District Arunachal Pradesh as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated: 11.11.24.

This appeal was heard for 2 times today on 28.05.2025 and 02.07.2025.

On 28.05.2025, this Commission, upon hearing the parties and perusing the records in the appeal had directed the PIO to collect the requested information/documents from the o/o the EE, Namsai Division which are being held by that Division and furnish them to the appellant.

This Commission noticed that the PIO, o/o EE, Tezu Division, vide his letter dt. 18.06.2025, addressed to this Commission, forwarded the details of Bills under MsDP Schemes payable to certain firms against the 7 (seven) schemes). The PIO had also written to the o/o the EE, Namsai Division seeking documents/information on 6(six) points.

In the hearing on 02.07.2025, the PIO, Er. Shri Debang Tayen, E.E attended through V.C and the appellant, Shri Tamchi Gungte was present in person who pleaded for direction to the PIO to furnish the remaining requested information, more particularly, the following :

1. Sl. No. 3 (Voter ID Card or PRC of the firm who won the tender;
2. Sl. No.4 (Technical Sanction);
3. Sl. No.5 (U.C duly countersigned by the Dy. Comm. Concerned);
4. Sl. No.7 (Progress Report);
5. Sl. No.8 (Completion Certificate);
6. Sl.No.15 & 16 (Contractor Registration and Contractor Enlistment);
7. Sl. No.17(copy of EMD & Security Money);

8. Sl. No.19(copy of affidavit regarding 2 or more incomplete work);
9. Sl.No. 20 (copy of certificates on completion of 3 similar works);
- 10.Sl. No.22 (copy of work order);
- 11.Sl.No.24 (photo graph of work before start and after completion);
12. Sl. No.26 (payment details such as Cheque counter-foil, voucher, PFMS etc)

The PIO on the other hand submitted that on bifurcation of the Namsai Division from the Tezu Division, most of the documents had been transferred to the Namsai Division for which he had already requested the o/o the E.E, Namsai Division for providing those documents. The PIO further submitted that besides taking up with the o/o E.E, Namsai Division, his office is still trying to trace out some of the requested documents which will require some more time and that whatever documents could be traced out, the same shall be furnished to the appellant.

This Commission, upon hearing the parties, *directed the PIO to collate and collect the documents and furnish to the appellant within 4(four) weeks and report compliance in the next date of hearing which is fixed on 06.08.2025. The E.E, Namsai Division was also directed to provide the documents either directly to the appellant or to the o/o the EE, Tezu Division and report the compliance in the hearing on 06.08.2025 personally or through the APIO or any authorised official.*

Today on 06.08.2025, the appellant is present in person while PIO, Er. Shri Debang Tayeng appeared through VC who informed that in compliance with the order of this Commission, he has furnished the following replies through post office:

1. Voter ID and PRC (Sl. No. 3) : Not tendered;
2. Technical sanction(Sl.No.4) : Not available;
3. UC countersigned by the DC (Sl. No.5) : May be obtained from DPO/DC Namsai;
4. Progress report Sl. No.7) : May be obtained from DPO/DC, Namsai;
5. Contractor registration and enlistment: Not available;
6. Copy of EMD and Security (Sl.No.7) : Not tendered;
7. Affidavit on 2 or more incomplete works (Sl.No.19):Not tendered;
8. Certificate on completion of 3 similar works (Sl.No.20):Not tendered;
9. Photo graph of the work (Sl.No.24) :Not available.

This Commission on perusal of the replies notices that except for the 3 queries namely, completion report, work order and Payment details, the rest of the queries have been replied as 'not available' or 'not tendered'. As such the PIO is directed to furnish specific replies to those queries with justified reasons instead of mere 'Not available' or 'not tendered'.

Further as against 2 queries on Utilisation Certificate countersigned by the DC concerned, and the progress report, the PIO has remarked that the replies to those queries may be obtained from the DPO/DC, Namsai.

Such a reply is not acceptable under the RTI Act. As provided under section 6(3) and the proviso thereto if the subject matter against which information has been sought is available with another public authority, the RTI application should be transferred to such public authority within 5(five) days of the receipt of the application.

In the present case, the PIO having not done so, he could not have advised the appellant to obtain the said two documents from the DPO/DC, Namsai. As such, the PIO is directed to collect those documents from the DPO/DC, Namsai and provide to the appellant. The o/o the DPO/DC, Namsai is also directed to provide the requested information to the PIO, o/o EE, Tezu Division in terms of section 5(5) of the RTI Act.

In this regard this Commission deems it appropriate to apprise the PIO that it is the requirement of law {section -7(8)(i) of the RTI Act} that when an information is denied to the applicant, the reason thereof has to be communicated to the applicant to his satisfaction. And as mandated by section-18(3)(c) and under rule- 5(vi) of the AP Information Commission (Appeal Procedure) Rules, 2005, the submission/reply of the PIO has to be declared/supported by way of an affidavit.

The PIO, in the premises above, is directed to furnish those left out documents/information or the affidavits within one month from the date of receipt of this order with intimation to this Commission and the appellant shall, within one week thereafter, report the compliance for further consideration of the appeal.

Given under my hand seal of this Commission on this 6th August, 2025.

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

Memo No. APIC- 168/2025 /562 Dated Itanagar, the 8 Aug., 2025

Copy to:

1. The Chief Engineer (WRD), E/Z, Miao, Changlang District Govt. of A.P First Appellate Authority (FAA) for information and ensuring compliance by the PIO.
2. The DC, Namsai for information and ensuring compliance of this order please.
3. The PIO, o/o the E.E (WRD), Tezu Division, Lohit District Govt. of AP PN: 792001 for information and compliance.
4. The E.E (WRD), Namsai Division, Namsai Distt., (A.P) PIN: 792103 for information and compliance in terms of the provisions of sub-section (5) of section 5 of the RTI Act, 2005.
5. The DPO, o/o the DC, Namsai for information and compliance in terms of the provisions of sub-section (5) of section 5 of the RTI Act, 2005.
6. Shri Tamchi Gungte, Near KV-2 School, Chimpu Itanagar, Papum Pare District, Pin code: 791113, Mobile No. 9233567279 for information.
7. The Computer Programmer/Computer Operator for uploading on the website of APIC, please.
8. Office Copy.
9. S/Copy.

Registrar/ Deputy Registrar
APIC, Itanagar.

Arunachal Pradesh Information Commission
Manager