



सत्यमेव जयते



सूचना का
अधिकार
RIGHT TO
INFORMATION

ARUNACHAL PRADESH INFORMATION COMMISSION

ITANAGAR.

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

Case No. APIC-259/25

(Or.5, R.3 of CPC)

APPELLANT : Shri Tamchi Gungte, Near KV-II School Chimpu.

RESPONDENT : The PIO, o/o the Executive Engineer (PHE & WS),
Changlang Division, Changlang District (A.P) Division,
Kurung Kumey District, A.P.

ORDER/SUMMONS

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri TamchiGungtefor non-furnishing of below mentioned information by the PIO, o/o Executive Engineer (PHE & WS), Changlang Division, District Changlang, Govt. of Arunachal Pradesh, as sought for by him under section 6(1) (Form-A)* of RTI Act, 2005 vide their application dated 11.11.2024.

A. Total list of projects are:

1. Construction of Improvement of Water Supply at Manmao Township in Changlang District Arunachal Pradesh. (2016-17)
2. Construction of providing of water Supply from Hongkap source to Terit Nagar Residential complex in Changlang District A.P. (2016-17)
3. Construction of Spring Water Storage Tank at Phinbiro village in Changlang District A.P. (2016-17)
4. Construction of Providing of drinking water at Govt. Sec. School, Yanman in Changlang District. A.P. (2016-17)

B. Particulars of informations; C/o "The total list of projects"

1. Furnish the certified Sanction Order Copy.
2. Furnish the certified DPR Copy of the projects mentioned above.
3. Furnish the certified copy of Proof (such aa Voter ID and PRC) that the tender winning firm Domicile status within the Territorial jurisdiction of that Constituency Assembly as per District Based Entrepreneur and Professionals (Incentive, Development and Promotion) rules, 2015.
4. Furnish the certified copy of Technical Sanction done by the concerned Authority for the projects as per financial rules.
5. Furnish the certified copy of Utilization Certificate (UC) countersigned by the DC along with Executing Agency as per Sanction Order guidelines.
6. Furnish the certified copy of Notice Inviting Tender (NIT) *with respect to the subject mentioned above.
7. Furnish the certified Progress Report of the projects in Physical and Financial section till date counter signed by the DC of the Concern District along with the Executing agency.
8. Furnish the certified copy of Completion certificate of the project.

9. Furnish the certified copy of Newspaper in which NIT was published (At least 3 newspaper name (one National & 2 Local)) along with date of publication of Newspaper, as per Government approved Order.
10. Furnish the certified Design and Scope of Work in the projects.
11. Furnish the certified copy of Work Specification of the projects.
12. Furnish the certified copy of documents submitted by tender participant for Technical Bid.
13. Furnish the Name of Firms who won the Tender work with respect to the subject mentioned above.
14. Furnish the Name of Officers and their Designation at the Time of monitoring the work.
15. Furnish the certified copy of Contractor Registration, of the tender participant and tender winning Firm.
16. Furnish the certified copy of Contractor Enlistment Update reports (Civil/ Composite Category as per the nature of work), of tender participant and winning Firm.
17. Furnish the certified copy of EMD and Security money deposited by all the tender participant.
18. Furnish the certified Integrity Pact submitted by the participant.
19. Furnish the certified Affidavit copy Sworn before a Competent Magistrate to the effect that he/she (tender participant), does not have 2 (Two or more incomplete ongoing commitment (projects/contract to execute) at the time of bidding by the tender participant and winning firm (as per rule SPWD/W-66/2012 as per District Based Entrepreneurship Act, 2015).
20. Furnish the 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 along with the Completion Certificate issued by the Engineer in Charge duly Countersigned by the Concerned Superintending Engineer and Chief Engineer, in the last 5 years ending last day of the month previous to the one in which the tenders are invited.
21. Furnish the certified copy of Acceptance letter for Tender work by the Executing Agency to the tender Winning Firm.
22. Furnish the certified copy of Work Order given to the Contractor by the i Executing Department.
23. Furnish the Agreement Copy made between the Contractor and the Executive Agency for the projects mentioned above.
24. Furnish the certified copy of all Photograph of work items (Glossy paper) before starting of work and Photograph (Glossy Paper) after completion of work.
25. Furnish the Geo Coordinate information for the work mentioned above.
26. Furnish the certified Payment Details (Cheque no., voucher, PFMS etc. (Which ever method is used of payments) of the project till date.

Facts emerging from the appeal:

Records in the appeal reveal that the appellant had requested the PIO for the aforementioned information but failed to obtain the same within the statutory period of one month. Records also disclose that the PIO on receipt of the RTI application which was delivered on 18.11.2024, written to the appellant on 03.12.2024 asking him to deposit an amount of Rs.8,742.00 being the cost of documents. The appellant, however, filed the 1st appeal before the First Appellate Authority (FAA), the CE (PHED), Govt. of A.P. (E/Z), Namsai, vide his Memo of Appeal dt.27.12.24 on the ground that he received the said letter of PIO on 27.12.2024. But having failed to obtain any response from FAA or the requested information, he preferred his second appeal before this Commission under section 19(3) of the RTI Act vide his Appeal Memo dt.15.01.2025.

This appeal is, accordingly, listed for hearing today on 02.07.2025 wherein both the PIO, Er. Shri Bamang Tasung, EE (PHE & WS), Changlang Division and the appellant, Shri Tamchi Gungte were present in person.

Heard the parties.

The PIO submitted that the documents as sought for by the appellant are ready for furnishing to him provided he deposits the cost of documents amounting to Rs.8,742.00 as was informed to him vide letter dt.03.12.2024. The appellant, on the other hand, contended that the requested information should be furnished to him free of cost in terms of the provisions of sub-section (6) of section 7 of the RTI Act because he received the PIO's letter dt.03.12.24 after the expiry of statutory period of one month on 27.12.2024. The PIO contested by saying that late receipt of the letter by the appellant due to postal delays should not absolve the appellant from the liability of paying the cost as long as the PIO fulfils his obligation within the statutory period of 1(one) month.

The considered opinion of this Commission is that the date of receipt of the PIO's letter by the appellant is *not relevant* but what is relevant and material is the date when the *PIO sent/dispatched the letter to the appellant*. As per the postal records enclosed in the appeal by the appellant, his RTI application was delivered to the o/o the PIO on 18.11.2024 and as such the statutory period of one month for disposal of the application by the PIO in terms of section 7(1) is from 17.11.2024 to 18.12.2024. In this case, it is noticed that the PIO's letter dt.03.12.2024 was dispatched by registered post on 05.12.2024 which was well within the statutory period of one month. Therefore, this Commission is not in a position to accept the contention of the appellant that since he received the PIO's letter on 27.12.2024, he is not liable to pay the cost of documents.

This Commission, however, finds that the amount of Rs. 8742.00 as has been asked the appellant to deposit as the cost of documents, has been wrongly calculated. As per *clause(a) of rule-8(2) of A.P. Right to Information Rules, 2005 as amended by 8th Amendment Rules, 2017*, the prescribed fee/cost of material provided for information relating to *tender documents / bids / quotation / business contracts, is minimum Rs.500/- up to 250 pages and thereafter Rs.2/- for each additional page(s)*. Therefore, in the case on hand the number of pages of the requested documents / information, being **138 pages**, as mentioned in the PIO's letter dt.03.12.2024, the cost of documents required to be deposited by the appellant is Rs.500.00 (Rupees five hundred) only.

During the course of hearing, it was suggested by the PIO that he will find out any available relevant legal provisions, including in the RTI Act, 2005, which absolves one from any liability due to the delay caused in postal delivery and accordingly, place before this Commission, if found. The appellant also submitted that he would submit the records of the receipt dated 27.12.2024 of the PIO's letter dt.03.12.2024 in the next hearing.

This Commission, upon hearing the parties, however, directs the parties, in the interim, to find out legal provisions pertaining to consequences resulting from the postal delay and place before this Commission in the next hearing for further consideration of the matter. The parties are, however, at liberty in the meantime to resolve the issue of payment of cost between themselves and intimate this Commission of the out come.

The hearing of this appeal is, thus, adjourned to **06.08.2025 (Wednesday) at 10.30 am.**

Given under my hand and seal of this Commission on this 2 July, 2025.

Sd/-

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

Memo No. APIC- 259/2025 /482 Dated Itanagar, the 3 July, 2025

Copy to:

1. The Chief Engineer (PHED), Govt of AP, (E/Z), Namsai District, Namsai, the First Appellate Authority (FAA) for information.
2. The PIO, o/o the Executive Engineer (PHE & WS), Changlang Division, Changlang District, AP for information and compliance.
3. Shri Tamchi Gungte, Near KV-II School Chimpu, Itanagar, Arunachal Pradesh, Pin Code: 791113 (Mobile No.) 9233567279 for information and compliance..
4. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
5. Office copy.
6. S/Copy.

Registrar/ Deputy Registrar

APIC, Itanagar.
Arunachal Pradesh Information Commission
Itanagar