



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-215/2025.

(Summon to appear in person)

(Or.5, R.3 of CPC)

APPELLANT : Shri Tamchi Gungte, near KV-II School Itanagar.
RESPONDENT : (a) The PIO, o/o the Director of TRIHMS, Naharlagun
Papum Pare district, (A.P)
(b) The PIO, o/o the E.E (PWD), Naharlagun Division,
Naharlagun.

ORDER/SUMMONS

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Tamchi Gungte for non-furnishing of 35 (thirty five) point information regarding the c/o New Medical College Hospital (Tomo Riba Institute of Health & Medical Science (TRIHMS), Naharlagun by the o/o the Director-cum- PIO, TRIHMS as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 03.10.2024.

This appeal has been listed for 3(three) times on 11.06.2025, 11.07.2025 and 25.07.2025.

On 11th June, 2025, wherein the appellant, Shri Tamchi Gungte and Dr. Shri Rajen Kombo, OSD (Project), TRIHMS –cum- the APIO were present in person, this Commission, after hearing the parties and had passed the following direction:

“This Commission also holds that in order to implement the intent and objective of the RTI regime, the requested documents, unless exempted under the RTI Act, ought to be furnished to the appellant and this Commission observes that those left out documents are not covered by the exemption provisions under section 8 or under section 9 of the RTI Act. However, if some of the documents are not available with the o/o the PIO but are available with the o/o the EE (PWD), Naharlagun Division, as submitted by the APIO, such documents shall be collected from that public authority and furnish to the appellant. The EE(PWD), Naharlagun Division shall also, in terms of sub-section(5) of section 5 of RTI Act, 2005, provide those documents available with his Division to the PIO, TRIHMS for onward furnishing to the appellant.

During the course of hearing the APIO expressed his inability to comprehend the exact information requested by the appellant at Sl.20 (the mode adopted for execution of the project) and requested the appellant for clarification. The Appellant assured the PIO that he will produce relevant papers regarding the exact demand/ query within this week.

The PIO, o/o the TRIHMS and the EE(PWD), Naharlagun Division are directed to comply with the above direction within 1(one) month from the date of receipt of this order and in any case before 11th July, 2025 (Friday) at 2pm, the next date of hearing wherein the PIO, o/o the EE(PWD), Naharlagun Division, shall also be present.”

On 11.07.2025 both the PIO and the appellant were present in person but the appellant submitted that he did not bring the case files and, therefore, pleaded for adjournment of the hearing to an appropriate date.

As noticed in the hearing on 11.06.2025 and recorded in the order since the information/documents against most of the appellant's queries are stated to be available with the o/o the EE(PWD), Naharlagun Division, the work executing agency, the PIO, o/o EE (PWD) Naharlagun was also directed to provide those documents being held by his office and was also directed to be present in the next hearing. But neither the PIO, o/o the E.E(PWD) nor his APIO or any representative appeared which had been viewed seriously by this Commission.

The hearing of this appeal was, thus, adjourned to today on 25.07.2025 with direction to the PIO, o/o the EE(PWD), Naharlagun Division to be present to clarify and confirm the submission of the o/o the PIO, TRIHMS. But today also the PIO did not appear nor deputed any of his representative. But the PIO, TRIHMS, Dr. Rajen Kombo is present with a letter dt.23.07.2025 from the EE, Naharlagun Division enclosing therewith a copy of replies /clarification on 10(ten) queries signed by the EE-cum-PIO, PWD, Naharlagun Division and the Director-cum-PIO, TRIHMS.

The appellant who is also present with the documents/replies received from the PIO complained that most of the replies furnished by the PIO are vague and not satisfactory. He particularly mentioned the replies furnished to the following queries:

- a. Copy of LOC;
- b. Scope of Work;
- c. Documents submitted by the tender participants for technical bid;
- d. Contractor enlistment certificate of one of the joint venture partner firms;
- e. Affidavit submitted by the tender participant firms on incomplete ongoing works and
- f. Method /mode adopted for execution of the project.

The clarification/replies furnished in the statement signed by the EE-cum-PIO, PWD and the Director-cum-PIO, TRIHMS are as under:

- a. LOC : *"TRIHMS Society is and Autonomous body of the Government. No LOC System for TRIHMS for making payment. The Payment are being made by the society as per the fund availability."*
- b. Scope of work : *" Enclosed"*
- c. Documents submitted for technical bids: *" The documents of participants are third party documents. The documents consisting of financial details of the third party. No third party documents will be issued without consent of the party concern."*
- d. Contracto enlistment: *" Enclosed. "*

- e. Affidavit on incomplete ongoing works : *"The project falls under 'national Building Category' and Arunachal Pradesh District based enterprenuers and professional incentive and development and promotional amendment 2020 is not applicable for it."*
- f. Method /mode adopted for execution of the project : *"Enclosed."*

The APIO, Dr. Kombo, while reiterating the above replies /explanation, submitted that the appellant, if not satisfied with the explanation as above, could visit the o/o the PIO, as demanded by the appellant, for inspection of the documents, more particularly, the documents on the scope of work. The APIO also reiterated that the replies to the queries on documents submitted for technical bids, contractor enlistment and mode adopted in execution of project could be available with the o/o the EE(PWD), Naharlagun Division. He also submitted that as regards the LOC, more detailed clarification could be given by the Finance Section of the TRIHMS.

This Commission also perused the replies/explanations put forward by the PIO particularly on the copy of LOC and the documents for technical bids. This Commission is not able to comprehend as to why o/o the PIO can not furnish any other documents/orders in lieu of LOC by which expenditure of the grants- in-aid fund is incurred. The mere explanation that *'the Payment are being made by the society as per the fund availability'* does not give specific reply/information, rather it's a vague and incomplete reply which is a good ground attracting penalties under section 18 of the RTI Act.

The ground of 'third party documents' cited by the PIO in the explanation against documents for technical bids is also misplaced. As has been held in number of judicial pronouncements, once the tendering process is complete and works allotted to the firm winning the tender, the documents can be disclosed. Moreover, in terms of the exclusion provisions contained under the relevant exemption clause themselves viz, clause (d) (e) and (j) of section 8(1), if larger public interest warrants disclosure of the requested information or if the disclosure of the requested information/documents has relationship to public activity, the PIO has to furnish the documents. The submission made in the explanation/reply is, therefore, not made out.

The ground cited by the PIO against the affidavit on incomplete ongoing projects is also not convincing, rather it appears to be misleading in as much as the PIO did not elaborate as to which provision under the A.P District Based Entrepreneurs and Professionals (Incentives, Development and Promotional) Rules, 2015 exempts or excludes from its purview a project which falls under the 'National Bidding Category'. As such, this explanation also requires further elaboration/clarification by the PIO.

This Commission, in the premises as above, deems it appropriate to hear the appeal again and it is directed that in the next hearing the PIO, o/o the EE(PWD), Naharlagun Division must be present to explain the technical points which the o/o the PIO, TRIHMS is not able explain. *It is made clear that his non-appearance will constrain this Commission to issue warrant of arrest to enforce his attendance as empowered under sub-section(3) of section 18 of the RTI Act, 2005.*

In view of the submission of the APIO that the Finance Section of the TRIHMS could give more detailed clarification in respect of the the query on LOC, this Commission deems it appropriate to hear the Incharge of the Finance Section of the TRIHMS also on the next date and, accordingly, directs the Finance Officer i/c of the Finance section to appear in the next hearing.

In the meantime, the PIO shall allow the appellant to inspect the records/documents in his office as requested by the appellant and also assured by the APIO so as to enable him to get the correct picture of the replies on his queries, more particularly, on the Scope of work and the LOC.

The inspection of the documents by the appellant and further clarification on the incomplete information shall be done within 30 days of the receipt of this order and report the compliance thereof in the next hearing which is fixed on 03.09.2025.

NOW THEREFORE, you are hereby summoned to appear in person in the Hon'ble Court of Shri Sangyal Tsering Bappu, SIC in person on the **3rd September, 2025 (Wednesday) at 10.10 am** to answer the claims, and you are directed to produce on that day all the documents upon which you intend to rely in support of your claims/defense.

Given under my hand and seal of this Commission on this 25th July, 2025.

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

Memo No. APIC-215/2025 / 539 **Dated Itanagar, the 28 July, 2025**

Copy to:

1. The PIO, o/o the Director of TRIHMS, Naharlagun PIN - 791110 for information and compliance.
2. The EE(PWD), Govt. of A.P, Naharlagun Division for information and compliance.
3. Shri Tamchi Gungte, Near KV-II School Chimpur, Po/PS Chimpur, Dist :Papum Pare, 791113, A.P. Mobile No. 9233567279 for information.
4. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
5. Office copy.
6. S/Copy.

P. B. Singh
Registrar/ Deputy Registrar
APIC, Itanagar.

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar