



ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Case No. APIC-259/25

APPELLANT : Shri TamchiGungte, Near KV-II School Chimpu.

RESPONDENT : The PIO, o/o theExecutive Engineer (PHE & WS),
Changlang Division, Changlang District (A.P)

ORDER

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 4(four) projects under PMJVK, erstwhile MsDP undertaken during 2016-17 in Changlang District 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 his application dated 11.11.2024.

This appeal was heard 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.

In the hearing the PIO submitted that the documents as sought for by the appellant were ready for furnishing to the appellant 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 was 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 did not accept the contention of the appellant that since he received the PIO's letter on 27.12.2024, he was not liable to pay the cost of documents.

This Commission, however, found that the amount of Rs. 8742.00 which the appellant has been asked to deposit as the cost of documents, had 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 came to 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, directed 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 hearing of this appeal was, thus, adjourned to today on **06.08.2025**.

Today the PIO is present through VC and the appellant is present in person.

Hered the parties. However, neither the PIO produced any provision in the RTI Act or any material absolving from the liability due to postal delay nor the appellant produced the record of the receipt of the PIO's letter. But the appellant agreed to deposit the cost of documents amounting to Rs.500.00 through Echallan and also pay the postal charge of the documents.

In the premises as above, the appellant is directed to deposit the cost of the documents within one week and the PIO shall, on receipt of the payment, dispatch the documents through post the cost for which shall be borne by the appellant who shall then intimate this Commission of the receipt of the documents within one week from the date of receipt of the same failing which this appeal shall stand closed.

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

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

Memo No. APIC- 259/2025 *1563* **Dated Itanagar, the** *8* **August, 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 Chimpur, 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.

P. Rajan
Registrar/ Deputy Registrar
APIC, Itanagar.

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar