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- 247/2025.
(Summon to appear in person)
(Or.5 R.3 of CPC)

APPELLANT : Shri Tamchi Gungte, near KV-II Chimpu, Itanagar.

RESPONDENT :The PIO, o/o the EE (PWD), Ziro Division Lower Subansiri District, AP.

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Tamchi Gungte for non-furnishing of below mentioned information by the PIO, o/o the E.E (PWD), Ziro Division, Lower Subansiri District Arunachal Pradesh as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 04.10.24:

C/o "Establishment of Integrated 10 bedded AYUSH Hospital at Ziro LowerSubansiri District under National AYUSH Mission." During the financial year 2023-24

1. Certified sanction order copy.
2. Certified LOC Copy with respect to the Subject mentioned above.
3. Certified copy of Utilization Certificate.
4. Certified copy of Notice Inviting Tender (NIT) with respect to the subject mentioned above.
5. Certified Progress Report of the projects in Physical and Financial section till date.
6. Certified copy of Completion certificate of the project.
7. 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.
8. Certified Design and Scope of Work in the projects.
9. Certified copy of Work Specification of the projects.
10. Certified copy of documents submitted by tender participant for Technical Bid.
11. The name of firms who won the tender work with respect to the subject mentioned above.
12. The names of officers and their designation at the time of monitoring the work.
13. Certified copy Contractor Registration, Pass work Completion, Contractor Enlistment Update reports, of tender participant and winning Firm.
14. Certified copy of EMD and Security money deposited by all the tender participant.
15. Certified Integrity Pact submitted by the tender participant.

16. Furnish the certified Affidavit copy Sworn before a competent Magistrate to the effect that he /she (tender participant), does not have 2 (Two) more incomplete ongoing commitment (projects/contact to execute) at the time of bidding by the tender participant and winning firm. (As per rule SPWD/W-66/2012 dated.01.08.2018).
17. 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.
18. Certified copy of Acceptance letter for tender work by the Executing Agency to the tender winning firm.
19. Certified copy of Work Order given to the Contractor by the Executing Department.
20. Certified copy of Modes adopted for the execution of work through EPC Mode by the Department.
21. The agreement copy made between the contractor and the Executing Agency for the projects mentioned above.
22. The photograph of worksite (Glossy paper) before starting of work and photograph 9 Glossy paper) after completion of work.
23. The Geo-Coordinate information for the work mentioned above.
24. Certified payment details of the project till date.

Brief facts emerging from the appeal and decision:

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 which prompted him to file appeal before the First Appellate Authority (FAA), the CE (PWD), Central Zone-A, Govt. of A.P. Itanagar under section 19(1) of the RTI Act vide his Memo of Appeal dt.18.11.24. But he failed yet again to obtain the information. Therefore, he preferred his second appeal before this Commission under section 19(3) of the RTI Act vide his Appeal Memo dt.17.03.2025.

Records also reveal that the FAA had conducted the hearing on 20.12.2024 but the Appellant Shri Tamchi Gungte was absent. The hearing was, therefore, adjourned to next date with a warning to the appellant that if he fails to appear the appeal shall be dismissed/rejected. The appeal was, thus, disposed of by the FAA with liberty to the appellant to prefer 2nd appeal before this Commission. Hence this appeal in this Commission.

This appeal is, accordingly, listed today on 18.07.2025 wherein the appellant, Shri Tamchi Gungte and Er. Shri Radha Monty, AE-cum-APIO are present.

Heard that parties.

In the hearing the APIO brought in the documents requested by the appellant which were handed over to him.

The appellant complained that he had requested for 24 point information in his RTI application but the APIO has furnished the information/replies to only few points. The APIO responded by saying that due to dispute over the land where the project was initially supposed to be established, the work on the project could not be commenced in time but it could be commenced only at the fag end of the last FY-2024-25 at new site for which the replies to the entire queries could not be furnished. He, however, assured that the requested information will be furnished as and when the project gets executed and progresses further.

This Commission, upon hearing the parties and considering the reasons for non-furnishing of the replies by the PIO, is inclined to hold that the failure on the part of the PIO to furnish the requested information was, indeed, for genuine and justified reasons. However, the PIO is mandated to furnish the documents to the appellant as requested by him which has been found not covered by any of the exemption clauses under section 8 of the RTI Act, 2005.

The PIO is, therefore, directed to furnish whatever documents are available in his office till now and also furnish declaration by way of affidavit against those which are not available and this direction shall be complied with by the PIO within 1(one) month from the date of receipt of this order. The appellant shall, within 1(one) week thereafter, intimate the receipt of the documents by him for further consideration of the appeal.

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

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

Memo No. APIC-247/2025 /874 **Dated Itanagar, the** 22 **July, 2025**

Copy to:

1. The Chief Engineer (CE), (PWD), Govt. of AP, Central Zone-A, Itanagar, the First Appellate Authority (FAA), for information and ensuring compliance by the PIO.
2. The PIO, o/o the EE (PWD), Govt. of A.P, Ziro Division, Lower Subansiri District for information and compliance.
3. Shri Tamchi Gungte, Near KV-2 School, Chimpu, Itanagar Pin code: 791113, 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

Registrar/ Deputy Registrar
APIC, Itanagar

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar