



ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Case No. APIC-379/2024.

APPELLANT
RESPONDENT

: Shri Tamchi Gungte, Itanagar.
: The PIO, o/o the Executive Engineer (PWD)
Pasighat Division, East Siang Dist., A.P

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 Executive Engineer (PWD), Pasighat Division, East Siang Dist. Arunachal Pradesh as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 04.09.2024.

A) Particular of information: c/o "Rehabilitation and upgradation of Miren- Mikong Jonai Road (L-15.568 km), under the North East Road Sector Development Scheme (NERSDS) in Arunachal Pradesh during the financial year 2020-21.

B) Details of information required:

1. Certified sanction order copy of the total list of project mentioned above.
2. Total lists of work components of the projects.
3. The certified copy of utilization certificate.
4. The certified copy of Notice Inviting Tender (NIT) with respect to the subject mentioned above.
5. The certified copy of Newspaper in which the NIT was published (at least 3 newspaper names (one national & 2 locals) along with the date of publication of newspaper as per Govt. approved order.
6. The Tender Evaluation copy (Technical Bid) along with the list of Firms participated in the tender processed of the work.
7. The name of firm who won the tender work with respect to the subject mentioned above.
8. The certified copy on which date the project has been started.
9. The certified copy of completion certificate for the subject mentioned above.
10. The Geo Coordinate information for work mentioned above.
11. Certified photograph of worksite (colored photo) before starting of work and after completion of work.
12. Name of officers and their Designation at the time of monitoring the work.
13. The certified full agreement copy made in between the executing agency and the firm owner.

14. The certified copy of contractor registration of the winning firm.
15. The certified copy of contractor enlistment update reports, of tender winning firm.
16. The certified affidavit copy sworn before a competent magistrate to the effect that he/she does not have 2 (two) or more incomplete ongoing commitment (Project/contract to execute) at the time of bidding by the tender participant and winning firm (as per rule SPWD/W-66/2012 dt. 01-08-2018).

Records revealed that the appellant had asked for the above-mentioned information from the PIO vide his application dt.04.09.2024 but could not obtain the same which prompted him to approach the Chief Engineer (PWD), Central Zone-B, Govt. of A.P, Pasighat, the First Appellate Authority (FAA) under section 19(1) of the RTI Act. However, the appellant failed yet again to obtain any response from the FAA within the statutory period and hence he filed his 2nd Appeal before this Commission vide Memo of Appeal dt. 02.12.2024 which was, accordingly, registered in this Commission as APIC-379/2024 and was listed and heard for 2(two) times on 02.04.2024 and 28.05.2025.

In the hearing on 28.05.2025, this Commission, upon hearing the parties had directed the PIO to furnish the left out documents, as assured by him, within 1(one) week from 28.05.2025. The PIO was further directed that ***if the left out document in question is not held by his office he shall declare so by way of an affidavit with cogent reasons therefor.*** The appellant was also directed to intimate within 2(two) days from the receipt of the document for further consideration of the appeal.

The appellant, however, complained vide his letter dt.06.06.2025 that the PIO failed to furnish the remaining information as sought for by him and as directed by this Commission in its order dt.28.05.2025. He, therefore, pleaded for penal action against the PIO under section 20 of the RTI Act.

This Commission considered the complaint of the appellant and also the PIO's letter dt.02.06.2025 addressed to the appellant forwarding therewith the copy of Registration Certificate of the Contractor's Firm, M/s Puna Hinda in the State of Assam *which was not what the appellant had sought for (i.e the Contractor Enlistment)* thus establishing thereby that the PIO, indeed, did not comply with the direction of this Commission which made the case a fit case for taking penal action under section 19(8)(c) r/w section 20 of the RTI Act, 2005 against the PIO.

This Commission was, therefore, constrained to issue show cause notice dt.26.06.2025 to the PIO, Er. Mano Tayeng EE(PWD) directing him to appear in person on ***01.08.2025 (Friday)*** at 2 pm and to show cause as to why penalty of Rs. 25,000.00 (Rupees twenty five thousand) should not be imposed on him as provided under section 19(8)(c) r/w section 20(1) of the RTI Act, 2005 for violation of the provisions of section 7 of the RTI Act and non-compliance of the direction of this Commission.

This Commission in the meanwhile received a written submission from the PIO via email dt.02.07.2025 praying for review of the show notice dt.26.06.2025 on the grounds, inter alia, that the information requested by the appellant at Sl. No.14 and 15

of his RTI application has been furnished to him within the stipulated time vide his office letter No.PA/RTI/2025-26/1688-92 dt.02.06.2025. He further clarified as under:
"It is further clarified that the two terms "Registration" and "Enlistment" carry same meaning and are interchangeable in so far as tender matter is concerned."

The PIO also contended that the ***"appellant has developed a pattern of filing repeated RTI application and appeals on the same subject matter, even after receiving full response."*** In this regard, the PIO has referred to a Central Vigilance Commission (CVC) Circular No.03/03/2017 dt.10.03.2017 on the repetitive RTI application which was issued pursuant to CIC ruling dt.25.06.2014 in the case No.CIC/AD/A/2013/001326-SA (Shri Ramesh Chand Jain Vs, Delhi Transport Corporation, GNCTD, Delhi) which is reproduced hereunder:

"(i) Even a single repetition of RTI application would demand the valuable time of the public authority, first appellate authority and if it also reached second appeal, that of the Commission, which time could have been spent to hear another appeal or answer another application or perform other public duty

(ii) Every repetition of RTI application which was earlier responded will be an obstacle to flow of information and defeats the purpose of the RTI Act."

The respondent PIO has, thus, pleaded this Commission for the following action:

- " 1. Review the present appeal in the context of the appellant's documented conduct;*
- 2. Acknowledge and record the repeated, baseless, and disruptive pattern of RTI misuse by the appellant;*
- 3. Dismiss the present appeal in the interest of procedural integrity; and*
- 4. Consider imposition of a penalty under Section 20 of the RTI Act to prevent further harassment of public authorities through frivolous and insincere applications."*

The case is listed today on 01.08.2025. But the PIO did not appear, instead deputed Er. Shri Happy Ratan, A.E-cum-APIO who reiterated the written submission made by the PIO while the appellant who was present in person reiterated his demand for the satisfactory replies to his queries at Sl.No.15 and 16.

In adverting to the submission of the PIO, this Commission deems it appropriate to bring the attention of the PIO to the provisions of section 18(1) (c) of the RTI Act which provides as under:

"18 (1) Subject to the provisions of this Act, it shall be the duty of the Central Information Commission or the State Information Commission, as the case may be, to receive and enquire into a complaint from any person,-

(a)...

(b)...

(c)...

(d)...

(e) who believes that he or she has been given incomplete, misleading or false information under this Act and"

The corollary of the above provision is that in the event of an information seeker receiving an incomplete information from the PIO can file a complaint before the Information Commission which is what exactly is the case here.

It is to be noted that the appellant who was provided with the information (on enlistment certificate of the contractor/ firm) by the PIO vide letter dt 02.06.2025 had expressed his dissatisfaction therewith and accordingly, filed this appeal before the Commission. As such, this Commission is not in position to accept the PIO's contention that *'the appellant has deliberately misled and misinformed that this Commission by falsely alleging non-receipt of the said information despite documentary evidence clearly establishing dispatch and compliance.'*

Further, the aforesaid CIC decision/ruling dt. 25.06,2014 based on which the CVC had issued the circular dt.10.03.2017 which the PIO had relied in advancing his contention is not applicable in the present appeal as the said CIC decision is clearly in a case where *the applicant had filed repeated applications suppressing the fact of earlier applications and receipt of the answers.* In the present case the appellant did not file repeat application but demanded for satisfactory reply/information of which he was not satisfied/convinced and thus, exercised his rights under section 18(1)(e) of the RTI Act. In view thereof, the prayer Nos.1,2 and 3 of the PIO do not merit acceptance but are misplaced.

As regards the PIO's prayer at Sl. No.4 (Imposing penalty on the appellant), it is brought to the knowledge of the PIO again that the RTI Act does not provide any provision to penalize an RTI applicant/appellant for abusing his right to information or clogging the public office. Therefore, prayer at Sl. 4 is also rejected.

This Commission is, however, inclined to accept the submission/clarification of the PIO regarding the replies against query No.15 (contractor enlistment) that the two terms 'Registration' and 'Enlistment' carry same meaning and are interchangeable in so far as tender matter is concerned. However, 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 mentioning thereunder the Govt. decision/order, if any, thereto. Similarly, the replies to the query No.16 (affidavit to the effect that the contractor does not have 2 (two) or more incomplete ongoing commitment) has to be supported by an affidavit to the effect that no such affidavit was obtained as a condition in the bid.

The PIO is, therefore, directed to furnish the aforesaid 2(two) affidavits to the appellant in respect of the 2 (two) queries (Nos.15 and 16), with intimation to this Commission, within 2(two) weeks from the date of receipt of this order failing which the show cause notice dt. 26.06.2025 shall be made absolute and impose the penalty of Rs.25,000.00 on the PIO.

This appeal is disposed of in above terms.

Given under my hand and seal of this Commission on this 1st August, 2025.

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

Memo No. APIC- 379/2024 / 58 Dated Itanagar, the 5 Aug., 2025

Copy to:

1. The Chief Engineer (PWD), Govt. of A.P, Central Zone-B, Pasighat, the First Appellate Authority (FAA), for information and ensuring compliance of this order by the PIO concerned.
2. The PIO, o/o the Executive Engineer (PWD), Pasighat Division, Arunachal Pradesh PIN: 791102 for information and compliance.
3. Shri Tamchi Gungte, Near KV – II, Chimpu, PO/PS : Chimpu, Dist. : Papum Pare, PIN 791113, Arunachal Pradesh, 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.

Raghu/08/25
Registrar/ Deputy Registrar
APIC, Itanagar.

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar