



ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Case No. APIC-130/2025.

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

RESPONDENT : The PIO, o/o the Executive Engineer (PWD),
Nacho Division, Upper Subansiri 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 28(twenty eight) point information on construction of Road from Daporijo – Nacho Bro to ADC HQ at Khoduka in Upper Subansiri Dist. in Arunachal Pradesh (10.00 km) by the PIO, o/o the Executive Engineer (PWD), Nacho Division, Upper Subansiri District Govt. of Arunachal Pradesh as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 14.10.2024.

This appeal was, accordingly, heard on 25th July, 2025, wherein the appellant, Shri T.Gungte and Er. Shri Makcha, A.E-cum-APIO, representing the PIO were present in person.

This Commission, upon hearing the parties and on perusal of the records found that the appellant's RTI application dt.14.10.2024 was delivered to the o/o the PIO on 24.10.2024. As per the provisions of sub-section(1) of section 7 of the RTI Act, the PIO was bound to furnish the requested information within one month from the date of receipt of the application and as per sub-section (6) of section 7, if the PIO failed to comply with the time limit prescribed under sub-section(1), the information was to be provided free of cost. In the present case, the time limit of one month having clearly been over by 23.11.2024, this Commission held that the PIO could not have asked for the cost of documents as he did vide his letter dt.25.11.2024.

The PIO was, therefore, directed to provide the documents free of cost. The PIO was also directed that if his office does not hold information/documents against any of the queries in the application, the same shall be declared categorically by way of an affidavit with reasons and the direction was to be complied with within one month from the date of receipt of the order and the appellant was directed to intimate this Commission, within one week from the date of receipt of the documents from the PIO.

The appellant, vide his letter dt 26.08.2025 , however, complained that the PIO has failed to furnish the complete documents making inappropriate excuse under section 8 & 11, whereas the documents does not fall under exemption and hence, requested for further hearing of the appeal.

The following were the information claimed to have not furnished by the PIO :

1	Sl. No. 2 (PRC)	The information is not furnished is unclear and there is no documents of other participant.
2	Sl. No. 3 (fund allocated)	The documents furnished is incomplete as it contain details of about 9.14 crore whereas as per progress report 12.14 crore has been allocated.
3	Sl. No. 4 (UC)	Only 2.64 crore UC has been furnished but as per progress report 12.14 crore has been utilized, therefore the documents furnished is incomplete
4	Sl. No.8 (N/Paper cutting)	The reply furnished does not justify whether the required documents has been published or not.
5	Sl. No. 11 (Technical Bid)	The reply furnished is inappropriate as per the RTI Act. 2005 as the documents should not be exempted under section 8 & 11 as the projects fall under the subject of Public Interest.
6	Sl.No.14,15,16,17& 18	Incomplete documents furnished as there is no documents of the other participant.
7	Serial No. 22 (Photograph)	Incomplete documents as per the scope of work and there is no clarity in the photography that which photograph is or which work items. Lastly there is no photograph of before starting of work of the work items.
8	Sl.No. 24 (Payment Details)	The reply furnished does not justify whether the payment has been made to the contractor.
9	Sl, No. 25,26 & 27	Incomplete documents furnished as there is no documents of the other participant.

In view of the complaint of the appellant as above, this appeal is listed again for hearing toady on 08.10.2025 wherein the appellant is present in person but the PIO is represented by the APIO, Er. Shri Michi Omo, AE with the left out information/ documents.

The documents brought in by the APIO has been handed over to the appellant who went through the same but complained that the following information/documents have still not been furnished:

- (a) Sl. No. 2 (PRC);
- (b) Sl. Nos. 11,14,15,16,17,18, 25,26 & 27;
- (c) Sl.No. 24 (Payment Details).

As regards (a)(PRC) and (b) (other bid conditions) above, the APIO submitted that the bid documents (technical) submitted by the winning firm has been furnished but the documents submitted by other unsuccessful bidders have been returned to the respective firms on completion of the bidding process and hence, the o/o the PIO no longer holds the documents/information as sought for by the appellant. However, the APIO could not support his submission by any relevant rules or guidelines providing for return of the bid documents of the unsuccessful bidders.

In order that the appellant is furnished with the replies/information correctly and to his satisfaction, the PIO shall furnish the relevant rules or guidelines in this regard and in case no such rules / guidelines are available then the practice and

convention being followed by other public authorities in similar case be furnished by way of an affidavit in terms of the provisions of section 7(8)(i) read with section-18(3)(c) of the RTI Act 2005 and rule- 5(vi) of the AP Information Commission (Appeal Procedure) Rules, 2005.

With respect to (c)(payment details), the APIO reiterated the written submission made by the PIO that the 3rd party has declined to give his consent to disclose the same under section 8, 9 and section 11(1) (4) of the RTI Act.

This Commission is, however, not inclined to accept the contention of the PIO for the reason that the appellant has not asked for the bank account details (transaction etc.) of the firm/contractor (third party) but the records of the public authority regarding payment made to the firm / contractor such as the details of sanction order, cheque or PFMS which are covered under section 2(i) and (j) of the RTI Act, the disclosure of which are not exempted under section 8 or 9 of the RTI Act nor are covered under section 11 of the Act. The PIO shall, therefore, furnish the payment details to the appellant as requested by him.

This PIO shall comply with the above directions within 2(two) weeks from the date of receipt of this order and the appellant shall, within 1(one) week thereafter, intimate the receipt of the replies/information failing which this appeal shall stand closed without further notice.

Given under my hand and seal of this Commission on this 8th Oct.,2025.

Sd/-

(S. TSERING BAPPU)

State Information Commissioner,
APIC, Itanagar.

Memo No. APIC- 130/2025

Dated Itanagar, the 9 Oct., 2025

Copy to:

1. The Chief Engineer (PWD),Govt. of A.P Central Zone-A, Itanagar, the First Appellate Authority (FAA) for information and ensuring compliance by the PIO.
2. The PIO, o/o the Executive Engineer (PWD), Nacho Division, Upper Subansiri Dist. Govt. of Arunachal Pradesh PIN: 791122 for information and compliance.
3. Shri Tamchi Gungte, Near KV-II School Chimpu, Itanagar PIN: 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.

Registrar/ Deputy Registrar
APIC, Itanagar.

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar