सत्यमेव जयते

सूचना का अधिकार
RIGHT TO INFORMATION

ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR.
Complaint Case U/S 18 (1) of RTI Act, 2005
Case No. APIC- 15/2024.

APPELLANT : Shri Tania June & Shri Issac Ejing, E-Sector, Naharlagun, Arunachal Pradesh.

RESPONDENT : The PIO, o/o E.E (PHE & WS), Yingkiong Division, Upper Siang District (A.P).

ORDER

This was a Complaint case under Section 18(1) of RTI Act, 2005 received from Shri Tania June & Shri Issac Ejing for denial of 24 (twenty four) point information Improvement of Water Supply system in Katan Circle, in Upper Siang District by the PIO, o/o the Executive Engineer (PHE& WS), Yingkiong Division, Upper Siang District as sought for by them under section 6(1) (Form-A) of RTI Act, 2005 vide their application dated 05.11.2024.

This appeal was heard for 6(six) times on 21.03.2025, 11.04.2025, 14.05.2025, 13.06.2025, 16.07.2025, 30.07.2025 and 05.09.2025.

Due to repeated absence of the PIO in the hearing and violation of the provisions of RTI Act, this Commission had issued notice dt.17.07.2025 to the PIO, Er. Shri Rajen Taying, EE (PHE & WS), Yingkiong to show cause as to why penalty of Rs.25,000.00 (Rupees twenty five) thousand shall not be imposed on him under section 20(1) of the RTI Act, 2005. He was also directed to appear before this Commission on **30.07.2025** with the requested documents and his explanation on his absence from the hearing.

The PIO did not appear on 30.07.2025 but deputed Er. Shri Tumba Ingo, A.E-cum-APIO along with the copy of explanation dt.26.07.2025 from the PIO and a copy of Govt. order dt. 23.07.2025 issued by the PD(RD) regarding a training programme fixed on 29.07.25 to 31.07.25 on District Level Management Development. The APIO also brought in the requested information in soft copy.

This Commission, on perusal of the explanation furnished by the PIO and considering the fact that the requested information was being furnished, the show cause notice dt.17.07.25 was kept in abeyance till the PIO discharged his mandated responsibility under the Act fully.

This Commission also perused the documents by the PIO vide letter dt.25.07.2025 and, directed to furnish the specific replies to the queries as per the RTI application with justified reasons against the queries for which information is not available or not applicable and report the compliance thereof on 05.09.2025.

On 05.09.2025, the APIO, Er. Shri Tumba Ingo, AE was present with the documents in hard copies which were handed over to Shri Tania June, one of the appellants who was directed to go through the same and report his satisfaction or otherwise within 1(one)week from 05.09.202.

As directed, Shri Tania June, vide his letter dt.08.09.2025, had complained that the documents supplied were incomplete, and vital records/details pertaining to the functioning, maintenance, financial expenditure, and related works of the water supply system have not been furnished. As such the PIO was warned for the last time to furnish the requested information to the appellants correctly and in proper form within 3(three) weeks and to report compliance thereof on15.10.2025 failing which, it was made clear that, the show cause notice dt.17.07.25 which was kept in abeyance shall be revived and the consequential penal action under section 20(1) read with section19(8)(c) of the RTI Act shall be taken.

This appeal is, accordingly, listed again today on 15.10.2025 wherein one of the appellants, Shri Tania June is present and Er. Shri Oling Taloh, EE is also present who submitted that he had joined the present post on 29th August, 2025 and that after going through the points on which the appellants had requested the information, he collated the documents and furnished to the appellants. The appellant, however, complained that the documents furnished by the PIO are still not satisfactory and complete.

This Commission, upon hearing the parties and on perusal of the documents/replies point-wise noticed that the PIO has furnished replies to most of the queries but has replied "Not Available" against the following points without mentioning the reasons:

a) Sl. No.4 (Tradding License of the proprietor);
b) Sl. No.6 (Site Inspection Report);
c) Sl. No.12(Money receipt and cheque receipt);

As against Sl. No.11 (GST return), the PIO submitted that since the cost of the works executed were below Rs. 5,00,000.00 the GST returns filed by the contractor were not submitted to the o/o the PIO.

As regards Sl.No18 (Firm experience Certificate), the PIO submitted that the same was not insisted from the contractor.

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 A.P Information Commission (Appeal Procedure) Rules, 2005, the submission/reply of the PIO has to be declared/supported by way of an affidavit instead of simply replying "NOT AVAILALE".

The PIO is, therefore, directed to furnish the replies/declaration, with reasons, by way of an affidavit against those points, including Sl.No.11 and Sl.No.18 of which the records are not held by his office. During the course of hearing, the appellant also pleaded for direction for site inspection of the works executed as requested in their application which shall be carried out on 27.10.2025.

The PIO shall comply with the above direction including the site inspection by the appellant with intimation to this Commission and the appellant shall report the compliance by the PIO by 30.10.2025 failing which this appeal shall stand closed without further notice.

Given under my hand and seal of this Commission on this 15th Oct., 2025.

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

Memo No. APIC-15/2024/681 Dated Itanagar, the 17 Oct., 2025

Copy to:

1. The Chief Engineer (PHE and WS), Central Zone, Govt. of A.P, Itanagar, the First Appellate Authority (FAA) for information and ensuring compliance by the PIO.
2. The PIO, o/o the Executive Engineer (PHE & WS), Yingkiong Division, Upper Siang District, (A.P) for information and compliance.
3. Shri Tania June & Issac Ejing, E-Sector, Naharlagun, Arunachal Pradesh, 791110 Mobile No. 8131848230 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.

Registrar
Arunachal Pradesh Information Commission
Itanagar