



ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005

Case No. APIC- 649/2023.

(Summon to appear in person)

(Or.5, R.3 of CPC)

APPELLANT : Shri Tamchi Gungte (General Secretary), Arunachal Pradesh Peoples' Right Forum APPRF), Near K.V-2 School, Chimpu, Itanagar (A.P)

RESPONDENT : The PIO, o/o the Executive Engineer (RWD), Govt. of A.P, Likabali Division, Lower Siang District (A.P)

ORDER/SUMMON

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Tamchi Gungte, for denial of information by the PIO O/o the Executive Engineer (RWD), Likabali Division, Lower Siang District, Govt. of Arunachal Pradesh sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 27.04.2023.

This appeal was listed for hearing for the 10 (ten) times on 31.05.24, 21.06.24, 26.07.24, 20.09.24, 16.10.24, 08.11.24, 06.12.24, 29.01.25, 19.02.2025 and 23.04.25.

In the 7th hearing on 6th December, 2024, the representative of the PIO, o/o E.E (RWD), Likabali Division, Er. Shri P.C. Yadav, ASW had brought in the duly certified information sought for by the appellant which was handed over to the appellant who was directed to go through the same and report his satisfaction or otherwise within one week from 06.12.2024 so that next date of hearing, if required, can be fixed.

As directed, the appellant, vide his letter dt. 18.12.2024 addressed to the PIO, o/o E.E (RWD), Likabali Division, with copy endorsed to this Commission, had intimated that documents furnished to him during the hearing are incomplete and not as per his RTI application.

This Commission, considering the mandate of the RTI Act to furnish complete and satisfactory information to an RTI applicant, listed and heard the appeal on 29.01.2025 for the 8th time. However, no one appeared from the o/o the PIO despite summon notice. The appellant who was present, reiterated his dissatisfaction as already communicated to the PIO vide his letter dt.18.12.2024 and pleaded for direction to the PIO to furnish the documents in complete form as requested by him.

Since the PIO nor any of his representative was present, the hearing of this appeal was adjourned to 19.02.2025 and the PIO was directed to attend the hearing with the left out/complete information without fail to avoid penal action under the relevant provisions of RTI Act, 2005.

The appellant did not turn up on 19.02.25 but the APIO, Shri P.C.Yadav, ASW was present with the left out documents with forwarding letter dt.14.02.2025 addressed to the Appellant, Shri Tamchi Gungte in respect of :

- (1) c/o 60 bedded Girls Hostel at Govt. Hr. School Likabali;
- (2) c/o 50 bedded Girls Hostel at Govt. Hr. School, Kamku, Likabali Block and
- (3) c/o replacement of existing School at ME School, Silli (8ACRs) in Likabali Block

This Commission, upon hearing the APIO, then directed the appellant to go through the documents with the photographs of the completed projects and report his satisfaction or otherwise therewith to this Commission within 2 (two) weeks from the date of receipt of this order so as to fix the next date of hearing, if required.

In compliance with the Commission's order dated 19th February, 2025 the appellant, vide his letter dated 26.03.2025 informed this Commission that despite Commissions order dt. 19th Feb. 2025, the APIO/PIO failed to furnish him the complete information. The appellant also requested for hearing the appeal again.

The appeal was, accordingly, listed and heard on 23.04.2025 but the PIO nor any of his representatives attended the hearing.

The appellant who was present in person in the hearing complained that he did not receive the information which the PIO had claimed to have furnished vide the letter dt.14.02.2025. Therefore, the PIO was directed to provide the left out information to the appellant within 2(two) weeks from 23.04.2025 in order to avoid penal action under section 20 of the RTI Act, 2005. **It is was also made clear in the order that against those information which are not available with the PIO, a declaration to that effect shall be furnished by the PIO by way of an affidavit.**

In the meantime the appellant vide letter dated 21st May, 2025 complained that despite Commission's order dtd. 23rd April, 2025 the PIO failed to provide the information. The appellant had, hence, requested for further hearing of the appeal by this Commission.

This Commission is now in receipt of another letter dt.04.06.2025 from the appellant enclosing therein a copy of "undertaking" dt.02.06.2025 in a 20 Rupee non-judicial stamp paper signed by the PIO stating therein that certain documents requested by the appellant are not available /required. In this regard, this Commission deems it appropriate to remind the PIO of earlier direction of this Commission referred to in preceding paragraph which speaks about "**declaration by way of an affidavit**" and not undertaking. The PIO needs to note and appreciate that **receiving evidence by the appellate authorities on an affidavit from the PIO is one of the prescribed procedures under the A.P Information Commission (Appeal Procedure) Rules, 2005 framed under section 27(2)(e) of the RTI Act, 2005.** The declaration made by way of an undertaking by the PIO is, therefore, not admissible and acceptable.

In the premises as above, this Commission deems it appropriate and necessary to hear the appeal again. The PIO, o/o the Executive Engineer (RWD), Likabali Division is, therefore, summoned to appear in person with the left-out documents and **proper affidavit** in person on 13th June, 2025 (FRI DAY) at 2 PM failing which penalty of Rs.25,000.00 as prescribed under section20(1) of the RTI Act shall be imposed upon him without further notice.

Given under my hand and seal of this Commission on this 5th June, 2025.

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

Memo No. APIC- 649/2023/436 Dated Itanagar, the 5 June, 2025

Copy to:-

1. The S.E (RWD), East Siang District, Pasighat, theFirst Appellate Authority (FAA) for information and ensuring compliance of the order by the PIO.
2. The PIO, o/o the Executive Engineer (RWD) Likabali Division, Lower Siang (A.P) Pin-791125 for information and compliance.
3. Shri Tamchi Gungte, General Secretary, Arunachal Pradesh Peoples' Right Forum (APPRF), Near K.V2 School, Chimpu Itanagar Pin:791113 (M. No 9233567279/8257994249) 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. Singh 05/06/25
Registrar/ Deputy Registrar
APIC, Itanagar.
Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar