



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 under Section 18(1) of RTI Act, 2005 received from Shri Tania June & Shri Issac Ejing for denial of information by the PIO, o/o the Executive Engineer, PHED, 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.

A) Particular of information: Improvement of Water Supply system in Katan Circle in Upper Siang District.

B) Details of information required:

- 1.NIT copies;
- 2.Photograph and Geo Tagg copies;
- 3.First and final bill copies;
- 4.Trading License Proprietor details name list copies;
- 5.DBT and PFMS xerox copy details name list copies;
- 6.Site inspection report copies;
- 7.Utilization Certificate copies;
- 8.Total payment list copy till date;
- 9.DPR copies;
- 10.Work order copies;
- 11.GST and return fill copies;
- 12.Money receipt copy and cheque receipt copies;
- 13.EE/AE/JE details name list copies;
- 14.Work progress report copies;
- 15.Cheque receipt xerox copies;
- 16.Contractor PAN Card/ Aadhar Card xerox copies;
- 17.Sanction order copies;
- 18.Firm work express certificate copies;
- 19.Request for site visit;
- 20.Guideline copies;
- 21.Advertisement and local newspaper copy;
- 22.Technical bid and price bid copies;
- 23.NIT Participate details copies and
- 24.Firm registration Certificate copies.

C) Period from which information asked for: 2021-2023

Brief facts:

The brief facts emerging from the complaint disclose that the applicants/complainants herein had requested the PIO for the aforementioned information but the PIO, vide his letter dt.03.12.2024, had denied the same on the ground that *the application fee is not in the form of treasury challan and also that as per the direction of this Commission, the applicants/complainants should seek specific information of one work for one financial year.*

The response of the PIO as above, it transpires, had prompted the applicants/complainants to file this complaint against the PIO under section 18 of the RTI Act.

Hearing and decision:

This case was registered as Complaint Case No. APIC- 15/2024 and listed and heard for 8(eight) times on 21.03.2025, 11.04.2025, 14.05.2025, 13.06.2025, 16.07.2025, 30.07.2025, 05.09.2025 and 15.10.2025. However, the Commission noticed that the PIO did not attend in most of the hearings.

On 14th May, 2025 wherein the complainant, Shri Tania June and Er. Shri Tumba Ingo, Asstt.Egr., representing the PIO were present in person, this Commission, after explaining to the parties the implication of the provisions of the two sections viz, section 18 and section 19 of the RTI Act, 2005 which are substantially different from each other providing for two different remedies in that under section 18 the Commission has no power to order for disclosure of information but only to impose penalty prescribed under section 20 of the Act while section 19 provides for remedy for access to the information, converted the complaint to appeal under section 19(3) of the RTI Act and heard the parties.

Due to repeated absence of the PIO in the hearings and violation of the provisions of RTI Act, this Commission had to issue 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, after perusing 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.

The PIO was also 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 05.09.2025.

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 on 15.10.2025 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 section 19(8)(c) of the RTI Act shall be taken.

This appeal was, hence, heard again on 15.10.2025 wherein one of the appellants, Shri Tania June was present and Er. Shri Oling Taloh, EE, the current PIO was 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 were 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 (Trading 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.No.18 (Firm experience Certificate), the PIO submitted that the same was not insisted from the contractor.

Since it is the requirement of law under 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) of the RTI Act 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 AVAILABLE". As such, the PIO was 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 this Commission considered and directed the parties to carry out on 27.10.2025.

The PIO was thus, directed to comply with the above direction including the site inspection by the appellant with intimation to this Commission and in compliance thereof, the PIO had furnished the affidavit dt.31.10.2025 which is extracted hereunder:

"AFFIDAVIT/DECLARATION

I Shri Oling Taloh, Executive Engineer, PHE & WS Yingkiong Division, Upper Siang District, Arunachal Pradesh do hereby solemnly affirm on oath and declare as follows:

1. That I have joined as Executive Engineer, PHE & WS Yingkiong Division, Upper Siang District, Arunachal Pradesh on 29th August 2025 and sincerely discharging my duty with utmost dedication and rendering the roles and responsibilities of PIO with full allegiance since my joining.

2. That, in connection with the Complaint case U/S 18 (1) of RTI Act, 2005 Case No. APIC-15/2024; the specific reasons as to why the following information or documents sought in St. No. 4, 6 & 12 by the Appellant are not available in the Division Office. Hence, could not furnished the documents/information on the following grounds are as follows:

a) Sl. No. 4 (Trading License of the proprietor)

Reason: The Trading License is not available with the Division Office because the work namely Improvement of Water Supply system in Katan Circle was executed through Work Order system. **Since, the work was not a Tender Work so didn't require Trading License from the Contractor.**

b) Sl.No. 6 (Site inspection report)

Reason: The query of the applicant related to site inspection report is confusing. However, the Department engaged Engineers in the site of the works and maintains its MB, but in the Department working system the Department does not prepare any inspection report in particular. It is understood that sometime the Superintending Engineer or other higher authority usually visit and inspected the site, but in this particular works such inspection were not made. **Hence, no any inspection report is available with the Division Office.**

c)Sl.No.12 (Money receipt and Cheque receipt)

Reason: The Cheque receipt Xerox copy/counter foil of the Cheque issued to the Contractor was submitted to the Deputy Commissioner, Upper Slang District, Yingkiong, (A.P). **Hence, the same is not available with the Division Office.**

d) Sl. No. 11 (GST Return)

Reason: Since the cost of the works executed was below Rs. 50,00000/- (Fifty lakh) **the GST return filed by the contractor were not submitted to the Division Office. Also the executed works was not a Tender Works.**

e) Sl. No. 18 (Firm experience Certificate)

Reason: The work executed was not a Tender Work and never been called NIT. Hence, **the question of work experience certificate does not arise. So, the Division office does not call for Experience Certificate from the contractor.**

I declare that the statements made in this affidavit are true to the best of my knowledge and belief, AND nothing has been concealed herein. I set my hands hereunto and sign this affidavit on this 31st day of Oct., 2025 before the Notary Public at Yingkiong.

VERIFICATION

Verified on 31/10/25 at Yingkiong before the Notary Public, Upper Siang District, Yingkiong, (A.P) and solemnly affirmed on oath and declared that the contents of this affidavit are true and correct and nothing material has been concealed herein.

Sd/-

EXECUTIVE ENGINEER PHE & W/S DIVISION

Yingkiong, A.P.

DEPONENT."

This Commission, on careful perusal of the contents of the affidavit furnished by the current PIO, concludes that the affidavit so furnished by the PIO is in consonance with the mandate of law provided under 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) of the RTI Act and under rule-5(vi) of the A.P Information Commission (Appeal Procedure) Rules, 2005. As such, this Commission is not in a position to accept the submission of the appellant vide his letter dt.07.11.2025 that he is not satisfied with the contents and clarification contained in the affidavit. Therefore, in so far as the replies to the queries of the appellants are concerned, this Commission concludes that the replies have now been furnished adequately by the PIO and in view thereof no further indulgence of this Commission is required.

As regards the inspection of the work, it has come to light from the appellant's letter dt. 30.10.2025 addressed to this Commission that the inspection of work could not be carried out as directed, allegedly, due to non-cooperation by the A.E, Er. Tumba Ingo. The contents of the appellants' letter dt.30.10.2025 are reproduced hereunder:

"Respected Sir,

With due respect, I would like to inform you that as per your direction, the site visit for the work titled Improvement of Water Supply System in Katan Circle, Upper Slang District was scheduled on 27/02/2025. I beg to submit this application for your kind information and necessary action against Shri Tumba Ingo, subordinate engineer under the PHE & Water Supply Division, Upper Siang District That, concerned department earlier submitted a request to the Executive Engineer, PHE & Water Supply Division, for a site visit related to the work titled Improvement of Water Supply System in Katan Circle, Upper Siang District on 27/02/2025 However, despite repeated requests and instructions, Shri Tumba Ingo has not cooperated nor responded properly to carry out the site visit, thereby causing unnecessary delay and non-transparency in the progress of the said work. Due to his non-cooperation, the scheduled site visit could not be conducted as planned. Besides, PIO cum Executive Engineer, PHE & WS Division, Yangkiong, District Upper Siang also not produce all the relevant documents related with the works.

In view of the above, I kindly request your good office to intervene in the matter and direct the concerned officer to furnish information and cooperate in the official process as per the provisions of the Right to Information Act, 2005, ensuring

accountability and transparency in the departmental functioning and take a necessary action against all the concern authority who are unable to cooperate with us.

I shall remain ever grateful for your kind consideration and necessary action in this regard.

Thanking You Sir

Yours faithfully

Sd/-

Shri Tania June

Shri Issac Ejing"

This Commission also noticed that in compliance with the direction of this Commission to carryout the site inspection 27.10.2025, the PIO, vide his letter dt. 23.10.2025 had requested the appellants to visit the site of Work/Project in question on 27/10/2025 with his Subordinate Er. Tumba Ingo, Assistant Engineer, PHE & WS Sub-Division Katan. But as informed by Er. Tumba Ingo, Assistant Engineer, vide his letter dt.31.10.2025 to the PIO, he was at Katan, the work site, whole day on 28.10.2025 which was mutually rescheduled from 27.10.2025 to 28.10.2025 after discussion with one of the appellants, Shri Isaac Ejingbut but the appellant did not turn up. He, however, states that he is still ready to join and accompany them as and when they wish to visit the site of the said work/Project.

The contents of the aforesaid letter dt.31.10.2025 from the AE concerned to the PIO is extracted hereunder:

"Sir,

I have the honour to inform that as per the direction from your good office for site visit of the work "Impvt. of WS system in Katan Circle" with Shri Tania June & Isaac Ejing, I on 26th October, 2025, made a phone call to Shri Isaac Ejing who was learnt to join me in site visit. We had a good discussion about the joint inspection of the aforementioned work Site and mutually agreed to carry out the site visit on the 28th of October, 2025 instead of 27th of October. As per our discussion, I reached Katan on 28th of October, 2025. As there is no mobile network available in Katan area, I enquired about Shri Isaac Ejing's presence in Katan from the local people, but they informed me that Shri Isaac Ejing had not been seen in Katan. I was in Katan the whole day of 28th of October as per our discussion, but was not able to meet him or get in touch. So sir, Since I could not meet him, I returned to Geku in the evening of 28th October, 2025, where I am currently Camping.

Therefore, their claim that I did not cooperate with them is Unjustified and baseless. However, I am still ready to join and accompany them as and when they wish to visit the site of the said work/Project.

This is for your kind information and further necessary action please.

Yours Sincerely

Sd/-

(Tumba Ingo)

Assistant Engineer

PHE&WS SD Katan."

This Commission, upon perusal of the correspondences, particularly, the letter from the AE to the PIO as above, holds that one of the appellants, who reportedly belongs to the District/area where the project in question is located, ought to have pursued with the o/o the PIO and finalized the date of site inspection and carried out the same instead of placing their complaints with the Commission inasmuch as the PIO and the A.E concerned has never denied the site inspection rather the A.E concerned is ready for facilitating the site inspection as per his submission.

This Commission, therefore, concludes that if the appellants still desire, they may, in consultation with the PIO and the AE concerned, re-schedule the date for site inspection and carry out the inspection.

This appeal is disposed of and closed in above terms.

Given under my hand and seal of this Commission on this 17th Nov., 2025.

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

Memo No. APIC-15/2024 / 948 Dated Itanagar, the 17th Nov., 2025

Copy to:

1. The Chief Engineer (PHE and WS), Central Zone, Govt. of A.P, Itanagar, the First Appellate Authority (FAA) for information.
2. The PIO, o/o the Executive Engineer (PHE & WS), Yingkiong Division, Upper Siang District, (A.P) for information.
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.

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar