



ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Case No. APIC-35/2026.

(Summon to appear in person)
(Or.5 R.3 of CPC)

APPELLANT : Shri Tamchi Gungte, near KV-II School Chimpu Itanagar,
RESPONDENT : The PIO, o/o the Executive Engineer (PHE & WS), Namsai
Division, Namsai District (A.P)

ORDER/SUMMONS

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 (PHE & WS), Namsai Division, Namsai District (A.P) as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 18.09.2025.

A) Particular of information: C/o "total list of Works/ projects sponsored by State fund/ Central fund or both (such as SIDF/ BE/ RE/ RIDF/ SADA/ ADA/ MLALAD/ MPLAD/ SPA/ Article 275(1)/ PMJVK/ CRIF/ PMDeVine/ NEC/ NESIDS / Non-BADP, SASCI/ JJM/NRDWM/ SBM, Maintenance works etc), executed under the concern division" from the financial year 2018-19 to 2025-26.

B) Details of information require:

1. Copy of Total list of works/projects completed by the division under various scheme head mentioned above (state/central scheme or both as mentioned above)executed under the division, along with the details of cost of each project for each financial year from 2018-19 to 2025-26.
2. Copy of total amount of LOCs and fund allocations received (in which ever form they used) to the division for each project in respect of Sl. No. 1.
3. Copy of total amount of funds received in the division in respect of Sl. No. 1, undertaken and executed by the division from each financial year from 2018-19 to 2025-26.
4. Reply statement from the division that the complete payment has been made as per LOCs/ fund allocation to the contractor, after certain deduction mandate by the Govt.
5. Copy of total amount deducted as, Labour cess of 1 % from total cost of each work/ project under building and other construction worker Act 1996, in respect of Sl. No. 1 for each financial year.
6. Copy of Labour cess deposited (such as Challan copy, Cheque counterfoil, Demand draft etc. whichever method is used) to the competent authority (APB & OCWWB) by the division for each financial year from 2018-19 to 2025-26.
7. Details of officers (Name & Designation then & now) who is/are responsible for deduction Labour cess from the all project/ work executed under the division for each financial year from 2018-19 to 2025-26.

8. Details of officers (Name and Designation then and Now) who is/ are responsible for deposition the Labour cess for the all projects work executed under the division to the competent authority for each financial year form 2018-19 to 2025-26. As per Building and other construction Act 1996.
9. Details of third party officers/ Audit officers for verifying whether the proper/ right amount of Labour cess was deposited by the competent authority in respect of all the projects/ works, to the concern authority(APB & OCWWB) by the division for each financial year from 2018-19 to 2025-26.
10. Copy of total amount deduction as, Contingency charges deducted (i.e project cost up to 3% crores is 1.5% & the project cost above 3 crores is 1%) in details, from each project/ work in respect of all the works/ projects executed under the division for each financial year from 2018-19 to 2025-26.
11. Copy of expenditure details (along with supporting documents of expenditure) done by the concern officers (Name and designation the and now) of contingency charge in respect of Sl. No. 1 for each financial year.
12. Furnish all the above documents with CTC and proper manner (i.e in serial wise with properly Index and proper paging of each financial year).

Brief facts emerging from the appeal:

Records in the appeal reveal that the appellant had requested the PIO for the aforementioned information but failed to obtain the same within the statutory period of one month which prompted him to file appeal before the First Appellate Authority (FAA), the Chief Engineer (PHED & WS), Eastern Zone, Namsai under section 19(1) of the RTI Act vide his Memo of Appeal dt. 01.11.2025. But having failed yet again to obtain the information, he preferred second appeal before this Commission under section 19(3) of the RTI Act vide Appeal Memo dt. 29.12.2025.

Records also reveal that the PIO, in response to the applicant's application, had vide letter dt.03.10.26 (reproduced hereunder), requested the appellant to seek the required information in accordance with this Commission's advisory resolution dt.08.05.2025.

"Dear Sir,

With reference to the subject cited above, it is to inform you that as per the Minutes of the Meeting issued vide Momo No. CIC/09/2016/103 Dtd. 08.05.2025 in the office chamber of the State Chief Information Commissioner, it has been categorically stated that the information seeker should seek specific information pertaining to one scheme and for one financial year only, so as to ensure easy and early disclosure of the information.

Therefore, you are kindly requested to seek the required information in accordance with the aforesaid Government Order please.

Sd/-

Yours faithfully,

*Executive Engineer-cum-PIO
PHE & WS Division, Namsai"*

The appellant, in response to the PIO's suggestion as above, had vide his letter dt.17.10.25 which is also reproduced hereunder, on the other hand, contended that no information can be denied except under section 8 and 9 of the RTI Act and that since the information sought for by him do not fall under the said sections it amounts to violation of the RTI Act.

“Respected Sir/madam,

With this letter I would like to inform you sir that as per the Information Commission Decision dated 19th November 2024, declared null and Vold of the following decision made by commission dated 8th May 2024, and as per Section 7(1) of the RTI act, PIO shall be allowed to reject the Form-A of the RTI applicant for any reason specified in the Section 8 and 9 only, of the RTI Act 2005. So as, I would like to inform the concern PIO that the information sought by me does not fall under the section 8 & 9 of the RTI act and the information sought may be bit voluminous, but not vague and indiscriminate in nature.

Therefore, it is a violation of the RTI Act, if the PIO reject the form-A application that does not fall under section 8 and 9 of the Act. So, I request the PIO to reconsider my Form-A application and furnish the required documents as I sought in my Form-A application.

Thank You

*Sd/-
Yours Faithfully
Tamchi Gungte (Appellant)”*

The appellant, apparently, failed yet again to obtain a positive response from the PIO. Hence this appeal which is listed today on 12.06.2026 wherein the PIO, Er. Shri. Bhupen Khamyang, EE appeared through VC while the appellant is present in person.

Hearing and decision:

Heard the parties.

The PIO reiterated his suggestion to the appellant to seek specific information pertaining to one scheme and for one financial year only so as to ensure easy and early disclosure of the information. The appellant on the other hand submitted that the documents /information sought for by him, though, appear to be voluminous, but actually they are not as many of the schemes against which information have been requested may not have been actually executed by the PIO's Division. He, however, pleaded that the PIO be allowed not more than 4(four) months time to furnish the requested information failing which penal action under section 20 of the RTI Act, 2005 be initiated against him.

This Commission, upon hearing the parties and on perusal of the list of documents/information sought by the appellant, directs the PIO to study the queries, analyze them and find out which of the schemes were actually executed by his Division and furnish appropriate replies. It is, however, made clear that as per section - 7(8)(i) of the RTI Act, 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, 2005 and under rule- 5(vi) of the AP Information Commission (Appeal Procedure) Rules, 2005, such submission/reply of the PIO has to be furnished on an affidavit.

The PIO is, therefore, directed to make an endeavour to furnish the requested information and / or affidavits to the appellant with intimation to this Commission, within 4(four) months from the date of receipt of this order so as to avoid the penal action under section 20 of the RTI Act.

Given under my hand and seal of this Commission on this 12th June, 2026.

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

Memo No. APIC- 35/2026 / 1898 Dated Itanagar, the 15th June, 2026

Copy to:-

1. The Chief Engineer (PHE & WS), Eastern Zone Namsai, the First Appellate Authority (FAA) for information and ensuring compliance by the PIO concerned.
2. The PIO, o/o the Executive Engineer (PHE & WS), Namsai Division, Namsai District (A.P) PIN: 792103 for information and compliance.
3. Shri Tamchi Gungte, Near KV-2 School Chimpu, Itanagar 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.

Pragishu
Registrar/ Deputy Registrar
APIC, Itanagar.

Deputy Registrar
Andhra Pradesh Information Commission
Itanagar