सत्यमेव जयते

सूचना का अधिकार
RIGHT TO INFORMATION

ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR.

BEFORE THE HON'BLE COURT OF SHRI SANGYAL TSERING BAPPU,
STATE INFORMATION COMMISSIONER

APIC-35/2026. **Dated Itanagar, the _____ Oct., 2026**

Shri Tamchi Gungte, near KV-II School Chimpu, Itanagar,

Vs.

The PIO, o/o the Executive Engineer (PHE & WS), Namsai Division, Namsai.

SHOW CAUSE NOTICE

(Form-4 CPC r/w section 20 of the RTI Act, 2005)

To

Er. Shri *Bhupen Khamyang, EE-cum-PIO,*
O/o Executive Engineer (PHE & WS), Namsai Division,
Namsai.

1. WEHEREAS Shri Tamchi Gungte, vide his application dt. 18.09.2025, had requested the PIO, o/o the Executive Engineer (PHE & WS), Namsai Division, Namsai for the following information:

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 Labourcess 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).

2. AND WHEREAS the appellant failed to obtain the requested information from the PIO within the statutory period of one month which prompted him to file 1st appeal before the First Appellate Authority (FAA), the Chief Engineer (PWD), Eastern Zone, Namsai under section 19(1) of the RTI Act vide his Memo of Appeal dt. 01.11.2025.

3. AND WHEREAS the records in the appeal revealed 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"

4. AND WHEREAS 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)"

4. AND WHEREAS the appellant, having failed yet again to obtain a positive response from the PIO, preferred 2nd Appeal before this Commission under section 19(3) of the RTI Act vide Appeal Memo dt. 29.12.2025 which was heard on 12.06.2026 wherein the PIO, Er. Shri. Bhupen Khamyang, EE appeared through VC while the appellant was present in person and after hearing the appellant and the PIO had passed order dt.12.06.26 as under:

"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."

5. AND WHEREAS the PIO failed to comply with the order of this Commission even after the expiry of the 4(four) month deadline without any explanation thereby attracting the penal action under section-20 of the RTI Act, 2005.

6. AND WHEREAS the appellant also, vide his complaint letter dt.15.10.26 (as reproduced below), intimated that the PIO, despite having been granted 4(four) month time to furnish the information, failed to comply with the order dt.10.06.26 and requested for penal action under section 20 of the RTI Act.

"Hon'ble Sir,

With this letter I would like to make a humble submission to the court that in the previous hearing order, the PIO was granted 4 (four) months to furnish the sought information to avoid penal action under section 20 of the RTI act. Despite an official order, the PIO have failed to comply with the direction given by the court.

Therefore, I request the hon'ble commission to initiate the section 20 of the RTI Act against the PIO as mentioned in previous order for violation of the court order and continue the hearing proceeding in your hon'ble court as I have not receive any documents from the PIO.

Thank you.

Yours Faithfully
Sd/
Tamchi Gungte
(Appellant)."

7. AND WHEREAS the PIO's non-compliance with the order of this Commission, despite having been allowed sufficient time of 4(four) month, amounts to wilful disobedience to this Commission's direction and blatant disrespect to the RTI regime making him liable to the imposition of penalty prescribed u/s-20(1) of the RTI Act, 2005.

8. NOW THEREFORE, Er. Shri *Bhupen Khamyang, EE-cum-PIO,* O/o Executive Engineer (PHE & WS), Namsai Division, Namsai is hereby directed to appear before this Commission on **23.11.26** at 10.30 a.m and show cause as to why penalty of Rs. 25,000.00 (Rupees twenty five thousand) as prescribed under section 20(1) of the RTI Act, 2005 should not be imposed on him for wilful non-compliance of the direction of this Commission and disrespect to the RTI regime.

Given under my hand and seal of this Commission on this 26.10.2026.

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

Memo No. APIC- 35/2026 /958 **Dated Itanagar, the** 27 **Oct., 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.

Registrar/ Deputy Registrar
APIC, Itanagar.

Registrar
Arunachal Pradesh Information Commission
Itanagar