



ARUNACHAL PRADESH INFORMATION COMMISSION

ITANAGAR.

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

Case No. APIC- 641/2025.

APPELLANT

: Shri Sengman Rongrang, Changlang.

RESPONDENT

**: The PIO, o/o the EE (PWD), Changlang Division,
Changlang District, A.P.**

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Sengman Rongrang for non-furnishing of below mentioned information by the PIO, o/o the EE (PWD), Changlang Division, Changlang District Govt. of Arunachal Pradesh as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 24.03.2025:

(I) Particulars of Information: -Budget Estimate Maintenance of Assets and (M&R, OE& POL up to 2023-25)

(II) Details of information required:

- A. Sanction order copy;
- B. NIT copy and Newspaper clips of NIT;
- C. Utilization certificate against the sanction;
- D. Details of cash book if any;
- E. Details of firm and name of proprietor used in all transactions and payment made;
- F. Details list of local entrepreneurs' participants firms name and company name during tender process;
- G. Details of account transactions records receipts vouchers against the firm till date;
- H. Details at formation of Bedding and Quotation;
- I. Details Information of materials procurement list with GST bill paper of the shop where the materials is purchased;
- J. The materials brand should be same as approved in DPR./ sanction order or government or agency;
- K. Provide GST returns bills certificate during tender process;
- L. Provide Financially sound certificate from Bank during tender process;
- M. Provide Trading license certificate;
- N. Details expenditures of GST payment receipts should be provided under POL;
- O. Geo-tagging photos and videos of work executing side before and after;
- P. DPR in English;
- Q. No objection certificate or work completion Certificate from the authority with seal & signature and date of above scheme heads so that applicant can rectify the works, supplies, and procurement of materials is provided/done by the contractor/ and
- R. Supply order copy under (O, E, M and R)

(III) Scheme head: "Additional Scheme "B.E and SIDF 2023-24 2nd phase.

A) Provide details information regarding C/O of CC payment road at Changlang township 14 L BE 2024-25;

(IV) Schemes head: BE DP-I 2023-24 (2nd phase).

A) Provide details information regarding Construction of CC payment road along with CC Drain from APST Bus stand toward CK road (TAH) 10 L BE 2024-25;

B) Provide details information regarding C/O of protection wall at Changlang veterinary firm 16 L BE 2024-25.

Records emerging from the appeal:

Records reveal that the Appellant did not receive the aforementioned information sought by him from the PIO in view of which he approached the F.A.A, the Chief Engineer (PWD), Eastern Zone Namsai, Govt. of A.P under section 19 (1) of the RTI Act vide his Appeal Memo dated 06.05.2025. Having failed to obtain the documents the Appellant filed his second appeal before this Commission under section 19(3) of the RTI Act vide Memo of appeal dated 19.08.25.

This appeal was listed and heard for 5(five) times on 12.11.25, 20.03.26, 22.04.26, 01.07.26 and 05.08.2026.

On 12.11.25, after noticing that this appeal was not considered by the Chief Engineer (PWD), Eastern Zone, Namsai, the First Appellate Authority (FAA) under section 19(1) of the RTI Act, 2005, this Commission vide order dt.12.11.2025 remanded the appeal to the FAA for adjudication under section 19(1) of the RTI Act, 2005 with liberty to the Appellant to come back to this Commission for consideration of the appeal under section 19 (3) of the RTI Act, if he is aggrieved/ dissatisfied with the order passed by the F.A.A, or with the information furnished by the PIO.

In terms of liberty granted to him, the appellant, Shri Sengman Rongrang, vide his letter dt. 13.02.26, approached this Commission for consideration of his appeal and for an appropriate direction therein to the PIO. The appeal was, hence, heard on 20.03.26 and this Commission, after hearing the appellant, Shri Sengman Rongrang and the PIO's representative, Er. Shri Takhe Rika, A.E who handed over the requested documents to the appellant, had passed the following order:

"Heard the parties.

The appellant submitted that the o/o the PIO has furnished replies/information against few queries but he did not properly elaborate the specific points against which the information/replies were not furnished. The AE, on the other hand submitted that the o/o the PIO has furnished whatever information as requested were available in the office. He also brought in some more documents which have been handed over to the appellant.

The appellant is directed to go through the documents so furnished today and report the shortcomings, if any, to the PIO within one week from today and while doing so he shall point out specific points against which replies have not been furnished. The PIO shall, then furnish appropriate replies to those points within 1(one) month from the date of receipt of this order.

It is, however, made clear that if the o/o the PIO does not hold any of the requested information/documents, then as mandated under section -7(8)(i) of the RTI Act, the reason for denial of the information 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, the submission/reply of the PIO has to be declared/supported by way of an affidavit.

The PIO shall comply with the above direction and report compliance thereof to this Commission on 22.04.2026."

On 22.04.26 this Commission, after hearing the parties and perusing the appellant's letter dt.25.03.2025 to the PIO indicating the left out documents/information (a copy whereof was handed over to the PIO), had directed the PIO to go through the contents of the letter properly and furnish the left out information/documents to the appellant within 2(two) weeks or before 06.05.26.

The PIO was also directed to furnish the reasons for denial of information/documents to the applicant to his satisfaction by way of an affidavit as mandated by section-18(3)(c) of the RTI Act, 2005 r/w rule-5(vi) of the AP Information Commission (Appeal Procedure) Rules, 2005. The PIO was further directed to facilitate site visit by the appellant as requested by him

The appellant, vide his letter dt.05.05.26, however, complained that the PIO, despite this Commission's direction, did not facilitate the site inspection nor did he furnish the left out information. It was, however, noticed that the PIO has furnished the left out information to the appellant through speed post. This Commission, therefore, again directed the PIO, vide order dt.11.05.26, to facilitate the site inspection by the appellant on a mutually convenient date within 2(two) weeks from the date of the said order.

The appellant, vide his letter dt.27.05.2026, yet again complained that the information / documents furnished by the PIO through Speed post are incomplete. He also complained that the PIO has not yet facilitated him the site inspection as directed by this Commission. The appellant also forwarded the copy of affidavit furnished by the PIO vide letter dt. 1st May, 2026 which was found not signed by the PIO nor attested by competent authority besides the declaration / affirmation contained therein being inconsistent vis-à-vis the PIO's submission during the hearing.

In the premises as above, the PIO was once again directed, vide order dt. 03.06.2026, to comply with this Commission's order by furnishing the appropriate replies /information with the revised affidavit and report the compliance thereof to this Commission on 01.07.2026. The PIO was also directed to facilitate the site inspection as already directed so as not to constrain this Commission to invoke the penal provisions of the RTI Act, 2005.

On 01.07.2026, the appellant was present in person while the PIO was again represented by Er. Shri Takhe Rika, A.E with the left out documents.

This Commission, after hearing the parties, handed over the documents brought in by the PIO's representative to the appellant and directed him to go through the same and report the specific shortcoming, if any, in the documents to the o/o the PIO within one week from the date of receipt of the order dt.01.07.26.

The PIO was directed to furnish the remaining documents including *the affidavit* as directed earlier with intimation to this Commission, within 2(two) weeks, thereafter. The PIO was also directed again to facilitate site inspection of remaining project(s) by the appellant on a mutually convenient date.

The appellant, vide letter dt.06.07.26 (as reproduced hereunder), had yet again complained that the PIO did not comply with the order of this Commission and therefore pleaded for penal action under section 20 of the RTI Act.

"Respected sir,

I am here to inform you that after I have received the left out information from PIO on 01.07.2026 at RTI Court room Itanagar in Presence of Hon'ble Judge. Meanwhile, in the very next day, I examine the whole documents and very Unfortunately, I found the documents produced by the PIO is same documents which I received earlier from PIO through postal medium. PIO has not furnish the left out information, except one documents, PIO has furnish that is utilization certificate against construction of CC pavement Road at Changlang town which is also not authentic.

Sir, in this regard i genuinely appeal you to refer my earlier letter Ref No. RTI/APL/LR/03/2026 Dated Manmao, the 25th March 2026, Ref No. RTI/RPLY/04/2026 Dated Manmao, The 5th May, 2026, Ref No. RTI/RPLY/05/2026 Dated Manmao, the 27th May, 2026 and Ref No. RTI/APL/LR/06/2026 Dated Manmao, the 25th Jun, 2026, and do examine the matter from your end and furnished all the left out documents in earliest from PIO through you sir.

On the other hand I strongly put my allegation against the PIO for his incompetent to provide my RTI Information. Sir, i have been struggling my self to acquire the information from PIO from the last one year to till date but every time PIO has failed to provide the information and wasted my Precious time and money. Meanwhile i have received some of the information but unfortunately I found some of the information is mislead and i felt that PIO is not in position to provide the information rather then Time consuming and misleading the case from the last one year to till date.

Therefore, I sincerely plead before you with folded hand do initiate strong action against PIO as per RTI act 2005 under section 20 (1) and section 20 (2) to get earlier justice.

This act of kindness i shall remain very great full to you sir,

Your Sincerely

Sd/-

Sengman Ronrang (RTI Activist)."

This Commission also noticed that the PIO, despite the repeated direction issued earlier, has failed to furnish the information in full or the affidavit making him not only liable to be imposed penalty prescribed under section 20(1) of the RTI Act, 2005 but also compensation to the appellant as demanded by him for mental harassment and financial loss on account of non-compliance of the orders of this Commission and the RTI regime.

In the premises as above, vide order dt.27.07.26, the PIO was directed to appear in person on 05.08.2026 (Wednesday) at 11.30 am with his written explanation/replies as to why the penalty of Rs.25,000.00 as prescribed under section 20(1) of the RTI Act should not be imposed on him for non-compliance of the order of this Commission.

On 05.08.2026, the appellant was present in person while the PIO was again represented by Er. Shri Takhe Rika, A.E with the left out documents and the affidavit in respect of those queries against which the information /documents are being denied to the appellant. The representative of the PIO also furnished letter dt.03.08.26 from the PIO (as reproduced hereunder) explaining thereunder the reasons for his non-compliance of this Commission's orders and requesting to exempt him from the penalty of Rs.25,000.00 and further assuring to obey and comply with the orders of this Commission.

"Sir,

While incorporating of above subject and reference as stated, I, Shri Thangtit Tangha, Public Information Officer-cum-Executive Engineer, Changlang Division, PWD AP submitting this explanation in connection with the notice issued on 5th August 2026, directing me to appear and explain why the penalty of Rs. 25,000.00 (Twenty Five Thousand) only should not be imposed for alleged non-compliance.

I sincerely apologize for the delay in furnishing the requested documents to the appellant. I wish to state that the delay was not intentional and there was no deliberate attempt to avoid or delay the appellant's request. At the relevant time, my Division was handling more than 36 active RTI matters, many of which required immediate attention and complex coordination with multiple sections. Due to this unusually heavy workload, I was unable to complete the processing of the appellant's file within the expected timeframe.

I fully acknowledge the importance of timely compliance with orders of this Commission (SIC) Itanagar, AP and regret any inconvenience caused to the appellant and to the Commission (SIC), Itanagar. I assure that no such steps to prevent of recurrence, including prioritizing pending RTI files, coordinating with concerned officers for faster document recovery and to ensure timely responses in future.

In view of the above circumstances, I humbly request that the penalty of Rs. 25,000.00 (Twenty Five Thousand) only be exempted at this juncture. And also, I undertake to follow an order without delay with any directions of the Commission (SIC) Itanagar, AP and to ensure to meet all deadlines from this moment into future.

Further, the undersigned is unable to appear the Commission(SIC), Itanagar AP on 5th August 2026 at 11.30 AM due to pre-occupied Schedule with Shri Manish Gupta, IAS (Chief Secretary) & Shri Pawan Sain, IAS (CEO) visiting Changlang District(HQ) on 6th August 2026 and to manage the tour schedule of stay of the dignitaries in the District for 2(two) days.

In view of these official visits, the Deputy Commissioner, Changlang has directed all Head of Department to remain at their respective headquarters on the above dates. Therefore, I hereby authorized Shri Takhe Rika, Assistant Engineer, Changlang Division, PWD AP to attend in person on behalf of PIO-cum-EE, Changlang Division at the Hon'ble Court of Shri Sangyal Tsering Bappu (State Information Commissioner) APIC, Itanagar on 05th August 2026(Wednesday) at 10.30 AM with required available documents.

Yours faithfully

*Executive Engineer Changlang
Division, PWD Changlang(AP)."*

The PIO also, vide letter dt.04.08.2026 (as reproduced hereunder), had furnished the copy of affidavit sworn in by the PIO and declaring therein the reasons for non-furnishing of some of the requested documents /information.

"Sir,

With reference to the above mentioned Memo No. APIC-641/2025/775, Dated Itanagar, 27th July' 2026, seeking information under the Establishment of Executive Engineer PWD, Changlang Division, AP, it is to informed that details sought at Serial Nos. (g), (1), (1) and (k) of Form "A" do not pertain to this office.

The reason for not furnishing the requested information is explained in the enclosed affidavit for your ready reference.

Enclosed:-

3. Affidavit (Indian Non Judicial No.501672)
4. Verification Statement

Yours faithfully

Sd/-

Executive Engineer
Changlang-Division, PWD, AP
Changlang

"AFFIDAVIT

I, Er. Thangtit Tangha, son of Lt. Chankang Tangha, aged about 58 years, presently serving as Public Information Officer-cum-Executive Engineer, PWD Division, Changlang, Government of Arunachal Pradesh, District Changlang, Arunachal Pradesh, do hereby solemnly affirm and state on oath as follows:

1. That I am the Public Information Officer (PIO)-cum-Executive Engineer, PWD Division, Changlang and am well acquainted with the facts and records of the present case. I am competent and duly authorised to swear this affidavit.
2. That pursuant to the RTI Application dated 24.03.2025 submitted by Shri Sengman Ronrang seeking various documents relating to works executed under this Division, all records available in the custody of this office were thoroughly examined and verified.
3. That after careful examination of the records maintained by this office, all available information and documents falling within the scope of the RTI Act, 2005, including DPRs, Sanction Orders, Work Orders, Utilisation Certificates, Geo-tagged Photographs, NITs, Pass Orders, Power of Attorney, Soundness Certificates, Bank Certificates, Trade Licences, Contractor/Firm Documents, Office Expenses records and POL Supply Orders, wherever available in the official records, have been furnished to the applicant.
4. That with regard to Sl. No. (G) of the RTI application seeking firm-wise account transaction records, receipts and vouchers, I state that no separate firm-wise account transaction statement in the form sought by the applicant is maintained in this Division. However, the official payment records, cash book entries, pass orders and vouchers available in the departmental records have already been furnished. No additional or separate record exists in the custody of this office.

5. That with regard to Sl. No. (I), the works were executed through the respective contractors, who procured construction materials independently at their own level in accordance with the terms and conditions of the contract. The Department made payment only against the measured quantities of work executed and approved contract rates. No separate material procurement register, shop-wise purchase list or GST purchase invoices of the contractor were either submitted to or maintained by this Division. Consequently, no such information is available for furnishing under the RTI Act.
6. That with regard to Sl. No. (J), the approved DPRs and Sanction Orders contain only the sanctioned items, specifications and technical requirements. No separate brand-wise approval list, register or certificate is maintained by this office. Accordingly, no such document exists in the official records.
7. That with regard to Sl. No. (K), the GST return submitted by the successful bidder formed part of the tender documents only for the limited purpose of determining the bidder's eligibility during the tender evaluation process.
8. That the complete GST return contains confidential financial and commercial information, including turnover, taxable supplies, tax liability, input tax credit business transactions and other financial particulars of the bidder. Such information constitutes commercial confidence and disclosure thereof is likely to prejudice the competitive position of the concerned bidder. Accordingly, the said information is exempt from disclosure under Section 8(1)(d) of the Right to Information Act, 2005.
9. That the GST return also contains personal particulars of the proprietor, partners and authorised signatories, disclosure of which would amount to an unwarranted Invasion of privacy and is therefore exempt under Section 8(1)(1) of the Right to Information Act, 2005.
10. That Section 158 of the Central Goods and Services Tax Act, 2017 further prohibits disclosure of particulars contained in returns, statements and documents furnished under the GST law except in circumstances specifically permitted by law. Therefore, this office is legally restrained from disclosing the complete GST return submitted by the bidder.
11. That before arriving at the aforesaid decision, this office duly considered the provisions of Section 10 of the Right to Information Act, 2005 relating to severability. Accordingly, only the non-exempt information, namely:
 - (a) that the GST Registration Certificate of the concerned firm had been submitted;
 - (b) that the same was considered during technical evaluation; and
 - (c) that no separate GST bills or certificates other than those available in the tender records are maintained by this Division, has been disclosed to the applicant after severing the exempt portions of the records.
12. That the Right to Information Act, 2005 obliges a Public Information Officer to furnish only such information as exists and is available in the records of the public authority. The Act does not require the Public Information Officer to create, compile, generate or collect information which is not maintained in the ordinary course of official business.
13. That all information available in the records of this office and not under the provisions of the Right to Information Act, 2005 has been to the applicant. No information has been deliberately withheld information which is either not available in the records or is specifically exempt from disclosure under the provisions of law.

14. That the statements made hereinabove are true and correct to the best of my knowledge, based on the official records maintained in this office, and nothing material has been concealed therefrom.

VERIFICATION

I, Er. Thangtit Tangha, the above-named deponent, do hereby verify that the contents of paragraphs 1 to 14 of this affidavit are true and correct to my knowledge and belief based on the official records maintained by the office of the Public Information Officer-cum-Executive Engineer, PWD Division, Changlang. No part of this affidavit is false and nothing material has been concealed therefrom.

Verified at Changlang, Arunachal Pradesh, on this 4 day of August, 2026.

Sd/

DEPONENT

EE, PWD, Changlang Division,
Changlang District, A.P.

Solemnly affirmed and signed before me on this 4th August, 2026.

Sd/-

EXECUTIVE MAGISTRATE
Changlang District."

This Commission, after hearing the representative of the PIO and upon perusal of the PIO's explanation as above, concludes that the PIO's non-compliance of the direction of this Commission was due to genuine grounds and as such the proposed imposition of penalty under section 20(1) is hereby dropped. This Commission also finds the affidavit furnished by the PIO to be in order and in consonance with the requirement of the relevant provisions of RTI Act. However, during the course of hearing the appellant, Shri S. Rongrang, complained that though the PIO in his forwarding letter dt.04.08.2026, remarked that the information has been furnished already, but some of the information are still not furnished. For instance, the U/Certificates have been remarked as furnished but the Certificate has been furnished in respect of only one scheme and the certificates for another 2(two) schemes have not been furnished. The appellant has, hence, pleaded for an appropriate direction to the PIO to furnish the left out information.

The appellant also furnished 16(sixteen) numbers of Cash Memos for Rs.56,500.00 (Rupees fifty six thousand five hundred) only being the cost of fuel he had to spend since the time of filing his RTI application dt. 24.03.2025 and appearances in the hearings before the FAA at Namsai and this Commission.

In this regard this Commission deems it appropriate to refer to the provisions of section-19(8) (b) of the RTI Act, under which this Commission is empowered to order payment of compensation by the public authority to the appellant for any loss or other detriment suffered by the appellant. The said provisions reads as under:

"19(8) In its decision, the Central Information Commission or the State Information Commission, as the case may be, has the power to-

(a)

(b) require the public authority to compensate the complainant for any loss or other detriment suffered;"

This Commission upon consideration of the facts in its entirety, concludes that the appellant, besides suffering mental harassment and wastage of time, has, in fact, had to incur considerable expenditure on account of the appearance in the hearing before this Commission and the FAA. The claim for the compensation by the appellant is, therefore, found genuine. Therefore, this Commission, in exercise of the powers conferred upon it by section 19(8)(b) of the RTI Act, 2005, hereby directs the PIO, o/o the Public Authority, the EE (PWD), Changlang Division, Changlang to pay compensation of Rs.50,000.00 (Rupees seventy thousand) only to Shri Sengman Rongrang, the appellant against the financial loss he had to suffer on account of repeated appearance in the hearing before the FAA at Namsai and this Commission at Itanagar.

The PIO shall furnish the receipt of the compensation amount by the appellant within 2(two) weeks from the date of receipt of this order. The PIO is also directed to furnish the left out documents/information and/or the affidavit

This appeal is disposed of and closed in above terms.

Given under my hand and seal of this Commission on this 7th August, 2026.

Sd/-

(S. TSERING BAPPU)

State Information Commissioner,
APIC, Itanagar.

Memo No. APIC-641/2025 / 812 Dated Itanagar, the 10 Aug., 2026

Copy to:

1. The Chief Engineer (PWD), Govt. of A.P, Eastern Zone, Namsai, Namsai District, First Appellate Authority (FAA), for information and ensuring compliance by the PIO concerned.
2. The PIO, o/o the EE (PWD), Changlang Division, Changlang District (Pin Code: 792103) for information and compliance.
3. Shri Sengman Rongrang, Sinwang Village, PO/PS- Changlang (Contact No. 7628025939) 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

Assam Pradesh Information Commission
Itanagar