

ITANAGAR, ARUNACHAL PRADESH

An appeal case U/S 19(3) of RTI Act, 2005

Vide Case No.APIC-688/2025

**BEFORE THE HON'BLE COURT OF SHRI VIJAY TARAM, THE STATE
INFORMATION COMMISSIONER, UNDER SECTION 19(3) OF RTI ACT, 2005.**

Shri Tamchi Gungte

..... Appellant

-VERSUS-

PIO-Cum-Executive Engineer, PWD,
Bomdila, West Kameng District,
Govt. of Arunachal Pradesh

..... Respondent.

Order: 21.04.2026.

JUDGEMENT

This is an appeal filed under sub-section (3) of Section 19 of the RTI Act, 2005. Brief fact of the case is that the Appellant Shri Tamchi Gungte on 21/05/2025, filed an RTI application under Form-'A' before the PIO-Cum-EE, (PWD) Bomdila Division, Govt. of Arunachal Pradesh whereby, seeking various information, as quoted in Form-A application. The Appellant, being not satisfied with the information received from the PIO, filed the First Appeal before the First Appellate Authority on 07/07/2025 the Appellant again having not received the required information(s) from the FAA, filed the Second Appeal before the Arunachal Pradesh Information Commission on 03/09/2025, and the Registry of the Commission (APIC), having receipt of the Appeal registered it as APIC No. 688/2025 (Appeal) and processed the same for its hearing and disposal.

Accordingly, matter came up for hearing before the Commission i.e on 21/01/2026 & 21/4/2026.

Details of information sought by the Appellant

1. **Furnish the certified Sanction Order Copy.**
2. **Furnish the certified PRC (Permanent Residence Certificate) submitted by tender Participant issued by the Competent Authority regarding domicile status within the district as per Rule 4(ii)(b) of the Arunachal Pradesh District Based Entrepreneurs and Professionals (Incentive, Development and Promotion) rules, 2015 & 2020.**
3. **Furnish the certified copy of Proof (such as Voter ID and PRC) that the tender winning firm Domicile status within the Territorial jurisdiction of that Constituency Assembly as per District Based Entrepreneur and Professionals (Incentive, Development and Promotion) rules, 2015 & 2020.**
4. **Furnish the certified copy of Technical Sanction done by the concerned Authority for the projects as per financial rules.**
5. **Furnish the certified copy of Utilization Certificate.**
6. **Furnish the certified copy of Notice Inviting Tender (NIT) with respect to the subject mentioned above.**

7. Furnish the certified copy of Criteria of eligibility for CPWD/APPWD as well as non-CPWD/non-APPWD contractors in this project.
8. Furnish the certified Progress Report of the projects in Physical and Financial section till date.
9. Furnish the certified copy of Completion certificate of the project.
10. Furnish the certified copy of Newspaper in which NIT was published (At least 3 newspaper name (one National & 2 Local)) along with date of publication of Newspaper, as per Government approved Order (Order No. IPR/ADVT (Advt. Policy)-37/2016, Dated 30th January, 2018 by the Secretary to the Govt. of Arunachal Pradesh Information and Public Relations Department, Itanagar).
11. Furnish the certified Design and Scope of Work in the projects.
12. Furnish the certified copy of Work Specification of the projects.
13. Furnish the certified copy of documents submitted by tender participant for Technical Bid.
14. Furnish the certified copy of Tender participant who have qualified the Technical Bid in the Tender Process of this projects as per District Based Entrepreneur and Professionals (Incentive, Development and Promotion) rules, 2015 & 2020.
15. Furnish the Name of Firms who won the Tender work with respect to the subject mentioned above.
16. Furnish the Name of Officers and their Designation at the Time of monitoring the work before and till date.
17. Furnish the certified copy of Contractor Registration, of the tender participant and tender winning Firm.
19. Furnish the Geo Coordinate information before the start of projects and after the start of the project mentioned above.
18. Furnish the certified copy of Contractor Enlistment Order (Civil/Composite Category as per the nature of work), of tender participant and winning Firm.
19. Furnish the certified copy of EMD and Security money deposited by all the tender participant.
20. Furnish the certified Integrity Pact submitted by the tender participant.
21. Furnish the certified Affidavit copy (The Affidavit should mention the names of the incomplete ongoing commitments) Sworn before a Competent Magistrate to the effect that he/she (tender participant), does not have more than 2 (Two) incomplete ongoing commitment (projects/contract to execute) at the time of bidding by the tender participant and winning firm. (as per rule SPWD/W-66/2012 Dtd. 01-08-2018 and Arunachal Pradesh District Based Entrepreneurs and Professionals (Incentive, Development and Promotion) rules no. 4(ii(e)), 2015 & 2020).
22. Furnish the certified Criteria of Work Experience required for this project mentioned above.
23. Furnish the certified copy of Work Experience documents submitted by the tender participant and winning firm, (i.e. copy of completed Three similar work each of value not less than 40% of the estimate cost or Completed Two Similar work each of value not less than 60% of the estimated cost or Completed One

- similar work of value not less than 80% of the estimated cost along with the Completion Certificate issued by the Engineer in Charge duly Countersigned by the Concerned Superintending Engineer and Chief Engineer,) in the last 5 years ending last day of the month previous to the one in which the tenders are invited.
24. Furnish the certified reasons & method adopt in TURNKEY/EPC Basis if the project is executed by these Basis.
 25. Furnish the certified copy of Acceptance letter for Tender work by the Executing Agency to the tender Winning Firm.
 26. Furnish the certified copy of Work Order given to the Contractor by the Executing Department.
 27. Furnish the Agreement Copy made between the Contractor and the Executive Agency for the projects mentioned above.
 28. Furnish the certified copy of all Photograph of work items (Glossy paper) before starting of work.
 29. Furnish the certified Photograph (Glossy Paper) after completion of each work items.
 30. Furnish the Geo Coordinate information before the start of projects and after the start of the project mentioned above.
 31. Furnish the certified Payment Details (Cheque no., voucher, PFMS etc. (Which ever method is used of payments)) of the project till date.
 32. Furnish the certified Solvency certificate certified by the Bankers, submitted by all the tender participant.
 33. Furnish the certified Credit facility from Bankers (10% of the tender value) submitted by the tender participants.
 34. Furnish the certified Affidavit to invest cash upto (25% of tender value) submitted by the tender participant.
 35. Furnish the certified copy of Performance Guarantee of 5% (five percent) of the Bid amount of the projects.
 36. Furnish the certified copy of Utilization Certificate for the amount exempted in the NIT from the Total Sanctioned amount.

In the 2nd hearing held on 21st April '2026, related to the APIC No-688/A/2025(Appeal). The PIO-cum Executive Engineer (PWD) Bomdila Division, present during the hearing and the Appellant Shri Tamchi Gungte absent during the hearing whereas he was informed of today's hearing through notice on dated 28/01/2026. It to be noted that in the said notice the Appellant was clearly warned of hearing and determining this appeal ex-parte, if the Appellant abstains in the hearing.

Heard the PIO.

The PIO stated that the information sought by the Appellant in his form "A" have not been executed by his office and hence he doesn't have any idea about all of the 3works for which the Appellant has applied for the information. Therefore, he could not provide the information nor could furnish the Appellant any other name of office from where he could get the information.

After hearing the PIO, the Commission hereby observes;

As per the RTI Act 2005, the PIO is not at any right to manufacture information on his own, therefore the PIO in the instant appeal cannot be providing information to the Appellant for which he has not idea regarding the works as well as regarding the executing agency if any.

Under the above observations, the Commission hereby orders;

i) On the consecutive absence of the Appellant in the hearings without reporting the reasons for the absence, the Commission hereby presume that the Appellant is not serious of his appeal and despite of being warned of hearing and determining this appeal ex-parte, the Appellant absenting consecutively for two hearings prompt this Commission to dispose of this appeal ex-parte.

Considering all the facts as observed and stated above the Commission hereby dispose of this appeal, ex-parte.

In view of the above facts and circumstances the Commission dispose of this Appeal ex-parte. And, accordingly, this Appeal stands disposed of and closed once for all.

Judgment pronounced in the open Court of this Commission today on this 21st day of April' 2026.

Copy of this Judgment be furnished to the parties.

Given under my hand and seal of this Commission on this 21st day of April 2026.

Sd/-

(Vijay Taram)

State Information Commissioner
APIC-Itanagar

Memo.No.APIC-688/A/2025 / 1230

Dated Itanagar, the 24 April, 2026.

Copy to:

1. PIO-Cum-Executive Engineer, PWD, Bomdila, W/Kameng District, Govt of Arunachal Pradesh for information and necessary action please. Pin Code:790001
2. Shri Tamchi Gungte, Near KV-II School Chimpu, Itanagar, P/Pare District Arunachal Pradesh for information please. Contact No. 9233567279
3. The Computer Programmer, APIC for uploading on the Website of APIC please.
4. Office Copy

Prajyoti
Registrar/Dy. Registrar
APIC, Itanagar.
Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar