



ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Case No. APIC-89/2025.

APPELLANT : Shri Tamchi Gungte, Near KV-II School Chimpu

RESPONDENT : The PIO, o/o the Executive Engineer (PWD), Roing Division, District : Lower Dibang Valley.

ORDER

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 (PWD), Roing Division, District : Lower Dibang Valley, Govt. of Arunachal Pradesh as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 14.10.2024.

A) Particular of information : c/o "Improvement of Bomjir-Paglam road (Bizari to Anpum, L-13.400 km) " during the financial year 2021-22.

B) Details of information required :

1. Certified Sanction Order copy;
2. Certified LOC copy;
3. Certified copy of utilization certificate;
4. Certified copy of Notice Inviting Tender (NIT) ;
5. Certified copy of Progress report of the projects in physical and Financial section till date;
6. Certified copy of copy of Completion certificate of the project;
7. Certified copy of newspaper in which NIT was published (At least 3 news paper name (one national & 2 Local) along with date of publication of news paper, as per government approved order;
8. Certified design and scope of work in the projects;
9. Certified copy of work specification of the projects;
10. Certified Copy of documents submitted by tender participant for Technical Bid;
11. Name of Firms who won the Tender Work;
12. Name of Officers and their designation at the time of monitoring the work.
13. Certified copy of Contractor Registration, Pass work completion, Contractor enlistment update reports, of tender participant and winning Firm;
14. Certified copy of EMD and Security money deposited by all the tender participant;
15. Certified Integrity Pact submitted by the tender participant;
16. Certified copy of an Affidavit copy sworn before a competent Magistrate by the Contractor, to the effect that he does not have two or more incomplete ongoing commitments (project / 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);

17. Certified documents submitted by 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 in the last 5 years ending last day of the month previous to the one in which the tenders are invited;
18. Certified copy of Acceptance letter for Tender Work by the Executing Agency to the tender winning farm;
19. Certified copy of Work Order given to the Contractor by the Executing Department;
20. Certified copy of modes adopted for the execution of work through EPC mode by the Dept;
21. Agreement copy made between the Contractor and the Executive Agency for the projects mentioned above;
22. Photograph of worksite (Glossy paper) before starting of work and photograph (Glossy paper) after completion of work
23. Geo Coordinate information for the work mentioned above and
24. Certified payment details of the project till date.

Brief facts emerging from the appeal:

Records revealed that the Appellant had requested for the aforementioned documents/information from the PIO but, apparently, did not receive in view of which he approached the Chief Engineer (PWD) (E.Z), Namsai, the First Appellate Authority (F.A.A) under Section 19 (1) of the RTI Act vide his Appeal Memo dated 11-11-2024.

Records further disclosed that the FAA had conducted the hearing on 12.12.2024 wherein the PIO was represented by Er. Smti. Niti Taki, A.E but the appellant was absent. The FAA, therefore, passed an ex-parte decision dt.12.12.2024 after hearing the representative of the PIO who had submitted before the FAA that the requested information was already sent to the appellant vide letter dt.06.12.2024 upon deposit of Rs.108.00 by the appellant. Since the appellant was absent, the appeal was thus, adjourned for 2nd hearing on 10.01.2025 with a direction to the appellant to go through the information provided by the PIO and revert back with the shortfall, if any, in the next hearing.

The Appellant, however, preferred his second appeal under Section 19 (3) of RTI Act, 2025, before this Commission vide his Memo of appeal dated 17-01-2025 on the ground that the PIO had furnished incomplete information.

Hearing and decision:

The appeal was, accordingly, heard for 5(five) times on 23.04.2025, 21.05.2025, 06.06.2025, 04.07.2025 and 27.08.2025.

On 06.06.2025, wherein the PIO was represented by his APIO, Er. Shri Vikash Bagang, JE, the appellant reiterated his earlier complaint about the receipt of incomplete documents from the PIO and this Commission, noticing that the left-out documents were not covered by the exemption provisions of the section 8 or 9 of the RTI Act, directed the PIO, vide order dt. 09.06.2025, to furnish the same within 2(two) weeks from the date of receipt of the order so as not to constrain this Commission to invoke section 20 of the RTI Act.

The appellant, however, again complained vide his letter dt. 24.06.2025 that despite this Commission's order dt.09.06.2025, the PIO failed to furnish the left out information to him upon which show cause notice dt. 26.06.2025 was issued to him as to why penalty of Rs. 25,000.00 (Rupees twenty five thousand) should not be imposed on him in terms of the provisions of section 19(8)(c) r/w section 20(1) of the RTI Act, 2005 for non-compliance of the Commission's order dt.09.06.2025 and directed him to appear in person on 04.07.2025.

In the hearing on 04.07.2025, wherein the PIO was again represented by Er. Shri Vikash Bagang, JE, this Commission, upon consideration of his replies to the Show Cause Notice submitted by the PIO and also on perusal of the left out documents brought in by the PIO's representative, closed the show cause notice dt. 26.06.2025 and disposed of and closed the appeal vide order dt.07.07.2025. However, the appellant, Shri Tamchi Gungte, vide letter dt. 11th July, 2025, complained that the PIO has furnished incomplete documents.

The appeal, therefore, was heard again on 27.08.2025 wherein the PIO was again represented by Shri Vikas Bagang, JE with the left out documents. The appellant, however, complained that the replies to the query at Sl.No.24, namely, the documents furnished by the PIO pertain to the memorandum of payment as against his request for the payment of Bills to the contractor and the mode of payment thereof, whether by cheque or through PFMS portal.

This Commission, after hearing the parties and perusing the documents brought in by the representative of the PIO, directed the PIO, vide order dt.28.08.2025, to furnish the details of actual payment made to the contractor and the mode of payment thereof within 2(two) weeks from the date of receipt of the order. But the appellant, vide his letter dt.11.09.2025, again complained that the PIO did not comply with this Commission's order 28.08.2025 and therefore, requested for action under section 20 of the RTI Act in terms of the show cause notice dt. 26.06.2025.

Following the appellant's complaint, the PIO was yet again directed to furnish the left out information namely, the details of actual payment made to the contractor and the mode of payment thereof within 2(two) weeks from the date of receipt of the order dt.23.09.2025 making it clear that if he fails to comply with the order the show cause notice dt. 26.06.2025 which was closed vide order dt.07.07.2025 shall be revived and penalty of Rs.25,000.00 prescribed under section 20(1) of the RTI Act 2005 shall be imposed on him. It was, however, noticed that even after expiry of 23 (twenty three) days from the date of receipt of the order dt.23.09.2025, the PIO failed to comply with the order. The PIO, Er. Shri Keni Zirdo was, hence, imposed a penalty of Rs. 25,000.00 (Twenty five thousand). The PIO was also directed that in case his office does not hold the requested information /documents i.e the details of actual payment made to the contractor and the mode of payment, he shall furnish an affidavit declaring that he does not hold the said information as required under section 18(3) (c) and rule 5(vi) of the AP Information Commission (Appeal Procedure) Rules, 2005.

As directed by this Commission by its order dt.17.10.2025, the PIO had deposited the penalty amount for Rs.25,000.00 vide online Treasury Challan No.GRN AR012631101202526P dt.21.10.2025. The PIO also furnished the affidavit against the RTI query No. 24 i.e the details of actual payment made to the contractor as directed by this Commission in its aforesaid order.

The affidavit furnished by the PIO was handed over to the appellant who, however, complained vide his letter dt. 31.10.25, that declaration made in the affidavit by the PIO is repetition of earlier replies whereas his demand was for the documentary evidence of actual payment made to the contractor such as the cheque numbers and counterfoils and as such the information is incomplete and misleading.

This Commission upon perusal of the complaint of the appellant as above and the contents of the affidavit dt.22.10.2025 furnished by the PIO, noticed that though the documents furnished earlier i.e the copies of memorandum of payment, indeed contain the cheque numbers and the voucher numbers but the memorandum did not contain the copies of counterfoils of the cheque mentioned in the Memorandum of payment.

In the premise as above, the PIO was directed to provide to the appellant the counterfoils copies of those cheques through which the payments were made to the contractor, if the o/o the PIO still holds those counterfoils. *It was also again made clear that if the o/o the PIO no longer holds the cheque counterfoils he shall declare so through an affidavit in categorical terms as required under section 18(3) (c) of the RTI Act and rule 5(vi) of the AP Information Commission (Appeal Procedure) Rules, 2005 and furnish the same to the appellant with intimation to this Commission.* The PIO was thus directed to comply with the above direction within 2(two) weeks from the date of receipt of the order dt.06.10.2025 for further consideration of the appeal.

In compliance with the order of the Commission as above, the PIO vide letter dt. 17.11.2025, has now furnished the copies of the counterfoils of cheques as demanded by the appellant and also the affidavit declaring that some of the counterfoils of cheque are not traceable in the office records of the PIO. The extract of the affidavit dt.17.11.2025 is as under:

"AFFIDAVIT

I, Shri Keni Zirido, Public Information officer cum - Executive Engineer, Roing Division, PWD, Roing do hereby solemnly affirm on oath as follows under: -

- 1. That I am the respondent as representing the Executive Engineer, Roing Division, PWD, A.P as being a Public Information Officer in this appeal Case APIC No. 89/2025*
- 2. The replies of the RTI information sought by the applicant is as under: -
As directed by the commission in its order dated 06/10/25 the counterfoils of the cheques with regards to amount of the bill to the contractor are furnished as under:*
 - i. Cheque No. 0186705 Rs.46,28,250.00, Cheque No. 0186735 Rs. 46,28,250.00, Cheque No.0186849 Rs. 8,72,58,300.00, Cheque No. 0186897 Rs.6,65,2608.00*
 - ii. The counterfoils of some cheques could not be located, as they are not traceable in the available office records.*

Verification: -

I hereby verify that the statements made above are true and correct to the best of my knowledge and belief, and that nothing material has been concealed therefrom

Sd/-

KENI ZIRDO

Deponent"

This Commission, upon careful perusal of the copies of cheque counterfoils and the affidavit now furnished by the PIO, notices and concludes that the requested information/documents have now been furnished to the appellant adequately and satisfactorily as mandated by law and directed by this Commission. Consequently, this appeal warrants no further adjudication in this Commission and hence, stands closed for once and for all.

The appellant is directed to collect the document/affidavit in original from this Commission on any working day with proper acknowledgement of the receipt.

Given under my hand and seal of this Commission on this 18th Nov., 2025.

Sd/-

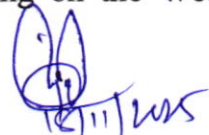
(S. TSERING BAPPU)

**State Information Commissioner,
APIC, Itanagar.**

Memo No. APIC- 89/2025/981 Dated Itanagar, the 19 Nov., 2025

Copy to:

1. The Chief Engineer (PWD), Govt. of A.P, Eastern Zone Thana Road Namsai, (A.P), the First Appellate Authority (FAA) for information.
2. The PIO, o/o the Executive Engineer (PWD), Roing Division, Lower Dibang Valley District, PIN – 792110 for information.
3. Shri Tamchi Gungte, Near KV-II School Chimpu, Po/PS Chimpu, Distt. Papum Pare (A.P) PIN: 791113, 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.**

**Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar**