



ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Case No. APIC-217/2025

APPELLANT : Smt. Bengia Rina & Shri Bengia Tani G-Sector Nlg.
RESPONDENT : The PIO, o/o the Executive Engineer (PWD), Sangram Division, Kurung Kumey District (A.P)

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Smt. Bengia Rina & Shri Bengia Tani for non-furnishing of below mentioned information by the PIO, o/o the Executive Engineer (PWD), Sangram Division, Kurung Kumey District (A.P) as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 18.10.2024.

A. Particular of information: c/o Community Hall at new Bazar, Koloriang

B. Details of information required:

1. CTC Photocopy of DPR;
2. CTC Photocopy of T/S;
3. CTC Photocopy of first and final bill;
4. CTC Photocopy of detail of bill payment/counter foils;
5. CTC Photocopy of work order copy;
6. CTC Photocopy of MIS report;
7. CTC Photocopy of GEO TAG report;
8. CTC Photocopy of LOC;
9. CTC Photocopy of Completion Letter from Contractor to Agency;
10. CTC Photocopy of MB Status;
11. CTC Photocopy of UC fully signed by commissioner, CE, SE and EE;
12. CTC Photocopy of bill voucher Number of bill prepared/ paid;
13. CTC Photocopy of name of contractor / firm name /account details;
14. CTC Photocopy of authorization order letter from commissioner, CE, SE for diverting sanctioned schemes;
15. CTC photocopy of cheque Leaf and
16. CTC photocopy of Sanction order.

Brief facts emerging from the appeal:

Records reveal that the Appellants had requested for the aforementioned documents/information from the PIO but, apparently, did not receive in view of which they approached the Chief Engineer (PWD), Central Zone-A, Itanagar the First Appellate Authority (F.A.A) under Section 19 (1) of the RTI Act vide their Appeal Memo dated 16-12-2024.

Records further disclose that the FAA had conducted the hearing on 15.01.2025 wherein the PIO-cum- Executive Engineer, Sangram, PWD Division was present and both the appellants, Shri Bengia Tani and Smt. Bengia Rina were present. The FAA, upon hearing both the parties and observing that all information except information sought at Sl. No. 12 (UC) 14 (Firm AC Details) & 16 sought by the appellants can be furnished, had directed that the respondent must furnish all the information as above by 30th January, 2025 and accordingly, the appeal was disposed of.

The Appellants, however, preferred their second appeal under Section 19 (3) of RTI Act, 2025, before this Commission vide their Memo of appeal dated 07-03-2025 on the ground that the PIO did not furnish the information despite the order passed by the FAA.

This appeal was heard 3 (three) times on 11.06.2025, 16.07.2025 and 01.08.2025 and vide last order dt. 05.09.2025, the following direction was passed”

“This Commission, on receipt of complaint letter dt. 07.08.2025 from the Appellants that the PIO did not furnish the requested information/documents on 5(five) points, had directed the PIO, vide order dt. 11th August, 2025 to furnish the left out information as listed in the said order within 2(two) weeks from the date of receipt (12.08.2025) of the order and the appellants were also directed to intimate the receipt of the documents and their satisfaction or otherwise therewith within one week thereafter.

The appellants, vide their letter dt. 27.08.2025, have now complained that the PIO did not furnish the left out documents as yet and hence, pleaded for penal action against the PIO.

The non-compliance of the direction of the Commission by the PIO despite repeated orders amounts to blatant disrespect to this Commission and the RTI regime making out a case for penal action under section 20 of the RTI Act 2005.

This Commission is, therefore, constrained to issue the warning to the PIO that if he fails this time to furnish the left out information to the appellants within 2(two) weeks from the date of receipt of this order a penalty of 25,000.00 as prescribed under section 20(1) of the RTI shall be imposed upon him. It is further directed that if the left out documents are not available, the PIO shall declare so with reasons therefor by way of an affidavit.”

As could be seen in the operative portion of the above direction, the PIO was directed to furnish the left out information against 5(five) points to the appellants within 2(two) weeks from the date of receipt of the order making it clear that penalty of 25,000.00 as prescribed under section 20(1) of the RTI shall be imposed upon him in the event of his failure. He was also directed that if the left out documents are not available, he shall declare so with reasons therefor by way of an affidavit.

In compliance with the said direction, the PIO had furnished the left out replies by his letter dt. 15.09.2025, despite categorical direction to furnish the same by way of an affidavit as required under section-18(3)(c) of the RTI Act and under rule- 5(vi) of the AP Information Commission (Appeal Procedure) Rules, 2005.

The affidavit dt.13.11.2025 furnished by the PIO be handed over to the appellants.

This appeal is, accordingly, disposed of and closed.

Given under my hand and seal of this Commission on this 17th November, 2025.

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

Memo No. APIC- 217/2025/ 950 Dated Itanagar, the 17th Nov., 2025

Copy to:

1. The Chief Engineer (PWD), Govt. of A.P, Central Zone-A Itanagar, the First Appellate Authority (FAA) for information.
2. The PIO, o/o Executive Engineer (PWD), Sangram Division, Kurung Kumey District (A.P) for information.
3. Smt. Bengia Rina & Shri Bengia Tani, PO/PS- Nlg. G-Sector Ward No. 26 Papum Pare District (A.P) PIN: 791110 Mobile No. 8974589636 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

The PIO was, therefore, directed, vide order dt.06.11.2025, to furnish his replies by way of an affidavit within 2(two) weeks from the date of receipt of the order in order not to constrain this Commission to invoke the penal provisions of the RTI Act, 2005.

In compliance with the order dt. 06.11.2025, the PIO has furnished his affidavit dt.13.11.2025 which is extracted hereunder:

"AFFIDAVIT OF NON-AVAILABILITY OF DOCUMENTS

I Er. Modak Riba, a resident of village: Karsingsa, P.O/P.S: Banderdewa, Papum Pare district, Arunachal Pradesh and presently holding the post of a Public Information Officer(P.I.O) cum Executive Engineer, Sangram division, PWD, Kurung Kumey District in compliance of memo No. APIC-217/2025/709 Dated 06/11/2025 related to the case no. APIC-217/2025 RTI application vide no. nil filled by Sh. Bengia Tani seeking information related to project "C/o Community Hall at new Bazar Koloriang". In connection | do hereby solemnly Affirm which is as follows:

- 1. That! am the present Public Information Officer of Sangram Division, PWD, Kurung Kumey district.*
- 2. That as per search in the division office of Sangram division, PWD, the underneath part of Documents from sl. No. i to iv are not found/available in the division office:*
 - i. Completion letter/certificate from the contractor to agency: Not available. It is to reiterate here that the client/executing agency never requisition completion certificate from the contractor or firm executing the project rather it B gives/provides completion certificate to the contractor or firm as when deemed necessary by the contractor or higher authority.*
 - ii. UC: Not found. The Utilization Certificate of the concerned project could not be traced out from division office even after rigorous search.*
 - iii. Authorization letter from higher authority: Not available. As already been communicated it is to reiterate that no such authorization is available.*
 - iv. Work order copy: Not found. As informed earlier, the work order copy are not found even after rigorous search at the division office.*

I read the content of this Affidavit made in para 1 to 2 and sub para of sl. No. (i) to (iv) above and have the better understanding of the law and belief and I put my signature is sound mind to read and well known to me.

Sd/-

*(Er.Modak Riba)
PIO cum Executive Engineer
Sangram Division, PWD, AP
Kurung Kumey District."*

This Commission, on careful perusal of the contents of the affidavit furnished by the PIO, notices that the left out replies/information have been adequately declared in the affidavit as mandated by section -7(8)(i) read with section-18(3)(c) of the RTI Act, 2005 and rule- 5(vi) of the AP Information Commission (Appeal Procedure) Rules, 2005. As such, this appeal does not warrant further consideration in this Commission.