



**ARUNACHAL PRADESH INFORMATION COMMISSION**  
**ITANAGAR.**

**An Appeal Case U/S 19(3) of RTI Act, 2005**  
**Case No. APIC-168 /2025.**

**APPELLANT** : Shri Tamchi Gungte, Near KV-2 School, Itanagar.

**RESPONDENT** : The PIO, o/o the E.E (WRD), Tezu Division, Lohit District, Tezu (A.P)

**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, (WRD) Tezu Division, Lohit District Arunachal Pradesh as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated: 11.11.24:

**A. Particulars information:** C/o "The total list of Projects sanctioned under Pradhan Mantri Jan Vikas Karyakaram (PMJVK), erstwhile MsDP Scheme, Ministry of Minority Affairs Govt. of India" during the financial year of 2015-16.

**B. The total List of Project are:**

1. Certified Sanction Order Copy.
2. Certified DPR Copy of the projects mentioned above.
3. 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.
4. Certified copy of Technical Sanction done by the concerned Authority for the projects as per financial rules.
5. Certified copy of Utilization Certificate (UC) countersigned by the DC along with Executing Agency as per Sanction Order guidelines.
6. Certified copy of Notice Inviting Tender (NIT) with respect to the subject mentioned above.
7. Certified Progress Report of the projects in physical and financial section till date counted signed by the DC of the Concern Dist. along with the Executing agency.
8. Certified copy of Completion certificate of the project.
9. Certified copy of Newspaper in which NIT was published (atleast 3 newspaper name (one National & 2 Local) along with date of publication of Newspaper, as per Government approved order.
10. Certified Designed and Scope of work in the projects.
11. Certified copy of work Specification of the projects.
12. Certified copy of documents submitted by tender participant for Technical Bid.
13. Name of firms who won the tender work with respect to the subject mentioned above.

14. Name of officers and their Designation at the Time of monitoring the work.
15. Certified copy of contractor registration, of the tender participant and tender winning firm.
16. Certified copy of contractor Enlistment Update reports (Civil/ Composite Category as per the nature of work), of tender participant and winning Firm.
17. Certified copy of EMD and Security money deposited by all the tender participant.
18. Certified Integrity Pact submitted by the tender participant.
19. Certified Affidavit copy Sworn before a Competent Magistrate to the effect that he/ she (tender participant), does not have 2 (Two) or more 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 as per District Based Entrepreneurship Act, 2015).
20. 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 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.
21. Certified copy of Acceptance letter for tender work by the Executing Agency to the tender winning firm.
22. Certified copy of work order given to the contractor by the Executing Department.
23. Agreement Copy made between the contractor and the Executing Agency for the projects mentioned above.
24. Certified copy of all Photograph of work items (Glossy paper) before starting of work and Photograph (Glossy paper) after completion of work.
25. Geo Coordinate information for the work mentioned above.
26. Certified Payment Details (Cheque no, voucher, PFMS etc. (which ever method is used of payments) of the project till date.

**Brief facts emerging from the appeal :**

Records emerging from the appeal disclose that the Appellant, Shri Tamchi Gungte had requested the PIO for the aforementioned information / documents but failed to obtain the same which prompted him to appeal before the Chief Engineer (WRD), E/Z, Miao, Changlang District, Govt. of AP, the First Appellate Authority (FAA) under Section 19 (1) of RTI Act, 2005 vide his Memo of Appeal dated 27.12.2024.

Records also reveal that the FAA conducted hearing on 17<sup>th</sup> January, 2025 wherein Shri Bikash Gogoi, the representative of the PIO cum EE (WRD), Tezu Division was present but the appellant Shri Tamchi Gungte was absent. The FAA, upon scrutiny of Form – A had advised the PIO to supply information as sought for by the appellant within 20 days from date of issue of order i.e. 17<sup>th</sup> Jan. 2025.

However, the appellant failed yet again to obtain the information and therefore, he preferred 2<sup>nd</sup> appeal before this Commission under Section 19 (3) of the RTI Act. 2005 vide his Memo of Appeal dated 17.02.2024.

**Hearing and decision:**

The appeal was, accordingly, heard for 3 (three) times on 28.05.2025, 02.07.2025 and 06.08.2025.

On 06.08.2025, the PIO, Er. Shri Debang Tayeng who appeared through VC, informed that in compliance with the order this Commission, he has furnished the following replies through post office:

- 1.Voter ID and PRC (SL. No. 3) : Not tendered;
- 2.Technical sanction(Sl.No.4) : Not available;
- 3.UC countersigned by the DC (Sl. No.5) : May be obtained from DPO/DC Namsai;
- 4.Progress report Sl. No.7) : May be obtained from DPO/DC, Namsai;
- 5.Contractor registration and enlistment: Not available;
- 6.Copy of EMD and Security (Sl.No.7) : Not tendered;
- 7.Affidavit on 2 or more incomplete works (Sl.No.19):Not tendered;
- 8.Certificate on completion of 3 similar works (Sl.No.20):Not tendered;
- 9.Photo graph of the work (Sl.No.24) :Not available.

This Commission after hearing the parties and perusing the replies of the PIO had passed the following order:

*"This Commission on perusal of the replies notices that except for the 3 queries namely, completion report, work order and Payment details, the rest of the queries have been replied as 'not available' or 'not tendered'. As such the PIO is directed to furnish specific replies to those queries with justified reasons instead of mere 'Not available' or 'not tendered'.*

*Further as against 2 queries on Utilisation Certificate countersigned by the DC concerned, and the progress report, the PIO has remarked that the replies to those queries may be obtained from the DPO/DC, Namsai.*

*Such a reply is not acceptable under the RTI Act. As provided under section 6(3) and the proviso thereto if the subject matter against which information has been sought is available with another public authority, the RTI application should be transferred to such public authority within 5(five) days of the receipt of the application.*

*In the present case, the PIO having not done so, he could not have advised the appellant to obtain the said two documents from the DPO/DC, Namsai. As such, the PIO is directed to collect those documents from the DPO/DC, Namsai and provide to the appellant. The o/o the DPO/DC, Namsai is also directed to provide the requested information to the PIO, o/o EE, Tezu Division in terms of section 5(5) of the RTI Act.*

*In this regard this Commission deems it appropriate to apprise the PIO that it is the requirement of law {section -7(8)(i) of the RTI Act} that 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) 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."*

Following this Commission's order as above, the PIO, vide letter dt.14.08.2025 made the following submission:

*"With reference to the above order/summons from your kind office, it is to explain the following:*

1. *Voter ID and PRC (Sl No 3) : A letter has already been sent to the office of the EE WRD Namsai to provide the information. (photocopy of letter enclosed)*
2. *Technical Sanction (Sl. No. 4) : A photocopy of the Technical Sanction of the work, Construction of PHC building at Piyong in Namsai block of Namsai District is enclosed. Whatever information available in the Division is being provided, however a letter has been sent to the office of the DPO Namsai to provide the information (Photocopy of letter enclosed)*
3. *UC countersigned by DC Sl. No. 5) : The UC are to be countersigned by the office of the DC for further submission to higher authorities. A letter has been sent to the office of the DPO Namsai to provide the information (Photocopy of letter enclosed)*
4. *Progress Report (Sl. No. 7) The progress Report are to be countersigned by the office of the DPO for further submission to higher authorities . A letter has been sent to the office of the DPO Namsai to provide the information (Photocopy of letter is enclosed)*
5. *Contractor Registration and enlistment : A letter has already been sent to the office of the EE WRD, Namsai to provide the information. (Photocopy of letter enclosed)*
6. *Copy of EMD and security Deposit (Sl. No. 17) : There is no available record of the projects being tendered. If there is no tender then the process of submitting EMD and security deposit does not arise.*
7. *Affidavit on 2 or more incomplete works (Sl. No. 19) : There is no available record of the projects being tendered. The information regarding affidavit on 2 or more incomplete works is required during tender process, therefore the information sought is not available.*
8. *Certificate on completion of 3 similar works (Sl. No. 20) : The information regarding completion of 3 similar works is required during tender process. Since there is no available record of the works being tendered, therefore, the information sought is not available.*
9. *Photograph of the work (Sl. No 24) : The works were executed under Namsai area therefore a letter has already been sent to the office of the EE, WRD Namsai to provide the information. (Photocopy of letter enclosed)*

*Sir, after the bifurcation of Lohit District into Lohit and Namsai districts, all the documents related to the works sanctioned and executed under Namsai area had been transferred to Namsai. Therefore for information regarding projects under Namsai area, help from the officers of Namsai has to be sought. Also sir, it is humbly submit that the office of the EE WRD, Tezu is one of the oldest existing office built in 1970s. the store as shown in the photograph enclosed was damaged during a hailstorm rendering many files and documents useless causing much discomfort to your kind office and to appellant. Therefore Sir, with sincere apologies it is to submit that as soon as the above mentioned information is collected from Namsai, the information will be furnished immediately to you office and to the appellant."*

Further, the PIO, vide his letters dt. 20.08.2025 addressed to the EE(WRD) Namsai Division had requested for the information sought for by the appellant as under:

| Sl. No. | Name of Project                                                                                                 | Year    | Information sought                                                                                                       |
|---------|-----------------------------------------------------------------------------------------------------------------|---------|--------------------------------------------------------------------------------------------------------------------------|
| 1.      | Construction of Primary Health Sub Centre building at Jona – III in Namsai block of Namsai District             | 2015-16 | 1.Voter ID and PRC of Contractor<br>2. Technical Sanction<br>3. Contractor Registration and Enlistment<br>4. Photographs |
| 2.      | Construction of Primary Health Sub Centre building at Nongtaw Khamti Village in Namsai block of Namsai District | 2015-16 | - Do -                                                                                                                   |
| 3.      | Construction of Primary Health Sub – Centre building at Wingko village in Namsai Block of Namsai District.      | 2015-16 | - Do -                                                                                                                   |
| 4.      | Construction of PHC building at Piyong in Namsai block of Namsai District                                       | 2015-16 | - Do -                                                                                                                   |
| 5.      | Construction of Primary Health Centre building at Lathao in Namsai block of Namsai District.                    | 2015-16 | - Do -                                                                                                                   |
| 6.      | Construction of 80 bedded RCC type working women Hostel at Namsai in Namsai block of Namsai District.           | 2015-16 | - Do -                                                                                                                   |
| 7.      | Construction of 15 ACRs and 4 Toilets at Govt. Hr. Sec. School Lathao in Namsai block of Namsai District.       | 2015-16 | - Do -                                                                                                                   |

The PIO also, vide his letter of even dated had requested the District Planning Officer, Namsai for **the Progress Report and Utilisation Certificate** against the aforementioned schemes.

In the meanwhile, the appellant, Shri Tamchi Gungte vide letter dated 11<sup>th</sup> Sept. 2025 complained that despite multiple hearing & directions to the PIO to furnish the incomplete / remaining documents, the PIO has failed to furnish the documents. The appellant, thus, alleging that the PIO is wasting the resources and time of both the Commission and the appellant which is a contempt of the Court, pleaded this Commission for taking necessary action and hear the appeal again.

This Commission, by order 6<sup>th</sup> August, 2025 had earlier directed the PIO to furnish those left out documents/information or the affidavit and by order dt.08.08.2025, the PIO was directed to furnish specific replies to those queries with justified reasons wherever it has been replied as mere 'Not available' or 'not tendered'.

The EE(WRD), Namsai Division and the DPO, Namsai were also directed to provide the requested information to the PIO, o/o EE, Tezu Division in terms of section 5(5) of the RTI Act which is reproduced hereunder:

“5(1)....

(2).....

(3)....

(4) *The Central Public Information or State Public Information Officer, as the case may be, may seek the assistance of any officer as he or she considers it necessary for the proper discharge of his or her duties.*

(5) *Any officer, whose assistance has been sought under sub-section (4), shall render all assistance to the Central Public Information Officer or State Public Information Officer, as the case may be, seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Central Public Information Officer or State Public Information Officer, as the case may be."*

In terms of the provisions of law as above, this Commission deemed it appropriate to hear the EE (WRD), Namsai Division, Namsai and the District Planning Officer, Namsai along with the PIO, the EE(WRD), Tezu Division with the left out documents which are being held by their respective office, in the next hearing on **07.11.2025**.

In the meantime, however, the appellant, Shri Tamchi Gungte, vide his letter dt. Nil had intimated this Commission through whatsapp on 06.11.2025 that he has *received all the relevant documents as per his RTI application in "Form A" regarding Project Sanctioned under Pradhan Mantri Jan Vikas Karyakaram (PMJVK), erstwhile MsDP scheme and that he is satisfied with the documents furnish by the Executive Engineer (PIO) Water Resources Division, Namsai.*

In the premises as above, this appeal does not warrant any further adjudication in this Commission and the appeal is, hence, disposed of and closed and resultantly the hearing fixed on 07.11.2025 stands cancelled.

**Given under my hand seal of this Commission on this 6<sup>th</sup> November, 2025.**

Sd/-

**(S. TSERING BAPPU)**

**State Information Commissioner,**

**APIC, Itanagar.**

**Memo No. APIC- 168/2025** /*amb*

**Dated Itanagar, the 07 Nov., 2025**

Copy to:

1. The Chief Engineer (WRD), E/Z, Miao, Changlang District Govt. of A.P First Appellate Authority (FAA) for information.
2. The Dy. Commissioner, Distt. Namsai, Namsai for information.
3. The PIO, o/o the E.E (WRD), Tezu Division, Lohit District Govt. of AP PN: 792001 for information.
4. The E.E (WRD), Namsai Division, Namsai Distt., (A.P) PIN: 792103 for information.
5. The DPO, o/o the DC, Namsai Distt. Namsai for information.
6. Shri Tamchi Gungte, Near KV-2 School, Chimpu Itanagar, Papum Pare District, Pin code: 791113, Mobile No. 9233567279 for information.
7. ✓ The Computer Programmer/Computer Operator for uploading on the website of APIC, please.
8. Office Copy.
9. S/Copy.

**Registrar/ Deputy Registrar**  
**APIC, Itanagar.**  
*Arunachal Pradesh Information Commission*