



ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Case No. APIC-200/2025.

APPELLANT : Shri TamchiGungte KV-2 School Chimpu.

RESPONDENT : The PIO, o/o the Executive Engineer(RWD), Khonsa Division, Khonsa Division.

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, RWD, Khonsa Division, District : Tirap, Govt. of Arunachal Pradesh as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 11.11.2024.

A) Particular of information: The project sanctioned under Pradhan Mantri Jan Karyakaram (PMJKV), erstwhile-MsDP Scheme, Ministry of Minority Affairs Govt. of India" during the financial year 2015-16.

B) The Total list of projects are:

1. Construction of 50 bedded Girls Hostel with CGI Sheet roofing at Govt. ME School, Chongkhaw in Pongchao-Wakka block of Longding Dist. A.P.
2. Construction of 50 bedded Girls Hoste! with CGI Sheet roofing at Govt. ME School, Khassa in Pongchao-Wakka block of Longding District. A.P;
3. Construction of RCC school building with CGI Sheet roofing at Govt. Primary School, Longding in Niausa block of Longding Dist. A.P.
4. Construction of RCC girls Hostel with CGI Sheet roofing at Govt. ME School, Chanu Village in Niausa block of Longding Dist. A.P.
5. Construction of School building with CGI Sheet roofing at Govt. ME School, Tissa in Niausa block of Longding District A.P.

C) Particulars of sought information are given below:

1. Furnish the certified Sanction Order Copy.
2. Furnish the certified DPR Copy of the projects mentioned above.
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.
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 (UC) countersigned by the DC along with Executing Agency as per Sanction Order guidelines.

6. Furnish the certified copy of Notice Inviting Tender (NIT) with respect to the subject mentioned above.
7. Furnish the certified Progress Report of the projects in Physical and Financial section till date.
8. Furnish the certified copy of Completion certificate of the project.
9. 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.
10. Furnish the certified Design and Scope of Work in the projects.
11. Furnish the certified copy of Work Specification of the projects.
12. Furnish the certified copy of documents submitted by tender participant for Technical Bid.
13. Furnish the Name of Firms who won the Tender work with respect to the subject mentioned above.
14. Furnish the Name of Officers and their Designation at the Time of monitoring the work.
15. Furnish the certified copy of Contractor Registration, of the tender participant and tender winning Firm.
16. Furnish the certified copy of Contractor Enlistment Update reports (Civil/ Composite Category as per the nature of work), of tender participant and winning Firm.
17. Furnish the certified copy of EMD and Security money deposited by all the tender participant.
18. Furnish the certified Integrity Pact submitted by the tender participant.
19. Furnish the 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. Furnish the 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. Furnish the certified copy of Acceptance letter for Tender work by the Executing Agency to the tender Winning Firm.
22. Furnish the certified copy of Work Order given to the Contractor by the Executing Department.
23. Furnish the Agreement Copy made between the Contractor and the Executive Agency for the projects mentioned above.
24. Furnish the certified copy of all Photograph of work items (Glossy paper) before starting of work and Photograph (Glossy Paper) after completion of work.
25. Furnish the Geo Coordinate information for the work mentioned above.
26. Furnish the 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 (RWD), (E/Z), Govt. of Arunachal Pradesh, Itanagar, the First Appellate Authority (FAA) under Section 19 (1) of the RTI Act, 2005 vide Memo of Appeal dated 26.12.2024.

Records further disclose that the FAA, who received the appeal on 30.12.2024, did not adjudicate on the appeal but merely forwarded the appeal to the PIO o/o the E.E (RWD), Khonsa Division vide letter dt.15.01.2025 signed by PIO/APIO o/o the C.E (RWD)(EZ), with an advice to reply to the appellant directly. Such a response from the FAA, who is a quasi-judicial authority under section 19(1) of the RTI Act, is totally in violation of the mandate of the RTI Act which makes the case fit to be remanded to him for adjudication.

Be that as it may, the appellant having felt aggrieved by such response from the FAA, filed his 2nd appeal before this Commission under Section 19 (3) of the RTI Act. 2005 vide Memo of Appeal dated 18.02.2025 which has been registered as APIC-200/2025.

Hearing and decision:

This appeal was, accordingly, heard for 3(three) times 06.06.2025, 11.07.2025 and 05.09.2025.

On 06.06.2025, this Commission, upon hearing the parties and on noticing that the documents brought in by the APIO, Shri Rigi Geyi were found not properly indexed, returned the documents to the APIO with advice to get the documents properly indexed and signed by the PIO with seal. This Commission also directed the PIO, EE (RWD), Khonsa Division to collect the documents from the o/o the EE, Longding Division and furnish to the appellant. The EE(RWD), Longding Division was also directed to provide the requested documents to the EE, Khonsa Division as mandated under sub-section(5) of section 5 of the RTI Act so as not to constrain this Commission to take avoidable penal action under the RTI Act.

On 11.07.2025, upon hearing the PIO, Er. Shri W. Hondique, the EE (RWD), Khonsa Division and the appellant in person and on perusal of the replies which the PIO furnished during the hearing, most of which had been shown as 'NA', had directed the PIO to furnish the clarification *with reasons* for the replies 'Not Available' or 'Not Applicable' whichever is the case.

The appellant, vide letter dt.18.07.2025, had complained that the documents/replies furnished by the PIO were either incomplete or not well defined (specific). This Commission, drawing the attention of the PIO to the provisions of clause (e) under section 18(1) according to which an incomplete, misleading or false information furnished by the PIO is a good ground for imposing penalties, directed him to furnish the requested information correctly and in complete form and report the compliance thereof in the next hearing on 05.09.2025.

As directed, the APIO, Shri Rigi Geyi brought in the left out information on 05.09.2025 which were handed over to the appellant, Shri Tamchi Gungte with direction that he shall go through the same and report his satisfaction or otherwise therewith within one week from 05.09.2025 for further consideration of this Commission.

As directed, the appellant, vide his letter dt. 08.09.2025 complained that the documents furnished by the APIO were either incomplete or not as per his request in the RTI application. The PIO was again directed vide order dt.24.09.2025 to furnish the left out information to the appellant as per his application *within 3(three) weeks* from the date of receipt of said order making it clear that if he fails to comply with the order action under section 20 of the Act shall be initiate against him. But it was noticed that even after expiry of more that 4(four) weeks the PIO failed to comply with the above direction thus, making himself liable to the penalty prescribed under section 20(1) of the RTI Act 2005.

The appellant, vide his letter dt. 28.10.2025 also complained that *the PIO has failed to comply with the order of this Commission which attracted stringent action under the RTI Act.*

The PIO, Er. Shri W. Hondique, the EE (RWD), Khonsa Division, Khonsa was, therefore, issued show cause notice dt. 03.11.2025 as to why penalty of Rs. 25,000.00 (Rupees twenty five thousand) should not be imposed on him as provided under section 19(8)(c) r/w section 20(1) of the RTI Act, 2005 for non-compliance of the direction of this Commission. He was also directed to appear in person on **21.11.2025 (Friday) at 3.30 pm.**

The PIO, in the meanwhile, had informed through mobile phone that the left out information/documents are being furnished to the appellant and requested for closing the show cause notice dt.03.11.2025.

This Commission is now in receipt of letter dt.03.12.2025 from the appellant that he has received the left out information and that he is satisfied with the same.

In the premises as above, the show cause notice dt.03.11.2025 is hereby closed and the appeal is, accordingly, disposed of and closed.

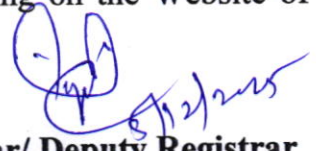
Given under my hand and seal of this Commission on this 4th Dec., 2025.

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

Memo No. APIC- 200/2025/1012 **Dated Itanagar, the 10 Dec., 2025**

Copy to:

1. The Secretary/Commissioner (RWD), Govt. of A.P, Itanagar for information.
2. The Chief Engineer (RWD), (E/Z), Itanagar, Govt. of A.P, First Appellate Authority (FAA) for information.
3. The PIO o/o the Executive Engineer, RWD, Khonsa Division, Dist :Tirap Govt. of Arunachal Pradesh for information.
4. The E.E(RWD), Longding Division, District Longding, A.P for information.
5. Shri Tamchi Gungte, near KV-II School Chimpu, Po/PS Chimpu, Dist Papum Pare, 791113, A.P. Mobile No. 9233567279.
- ✓ 6. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
7. Office copy.


Registrar/ Deputy Registrar
APIC, Itanagar.

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar