



सूचना का  
अधिकार  
RIGHT TO  
INFORMATION

## **ARUNACHAL PRADESH INFORMATION COMMISSION**

### **ITANAGAR.**

**An Appeal Case U/S 19(3) of RTI Act, 2005**

**Case No. APIC- 205/2026.**

**(Summon to appear in person)**

**(Or.5 R.3 of CPC)**

**APPELLANT** : Shri TamchiGungte near KV-II Chimpu.

**RESPONDENT** : The PIO, o/o the EE (PHE & WS), Yingkiong Division, Yingkiong.

### **ORDER/SUMMONS**

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 EE (PHE & WS), Yingkiong Division, Upper Siang District as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 27.09.2025.

**A. Particular of information:** C/o " Plan & Non-plan Works/projects sponsored by

- State fund/Central fund or both (such as SIDF/ BE/ RE/ RIDF/ SADA/ ADA/ MLA-LAD/ MP-LAD/ SPA Article 275(1)/ PMJVK/ PM-DevINE/ NEC/NESIDS/ Non-BADP/ SASCI/ JJM/ NRDWM/SPM/ Maintenance works etc.) executed under the concern division" from the financial year 2016-17 to 2025-26.

**B. Details of information required:**

1. Copy of Total list of works/projects (Plan & Non-Plan) by the division under various scheme head mentioned above (state/central scheme or both as mentioned above), for each financial year from 2016-17 to 2025-26.
2. Copy of commencement of work/work order letter issued to the contractor engaged in the project/ work in respect of serial no.1.
3. Copy of total amount of LOCs and fund allocation received to the division for each project/works for each financial year from 2016-17 to 2025-26:
4. Copy of total amount of funds received LOCs, Grant in Aids and any other from) in the division in respect of Sl. No. 1 of form A, undertaken and execute by the division from each financial year from 2016-17 to 2025-26.
5. Reply statement from the division that the complete payment has been made as per LOCs/ fund allocation to the contractors, after certain deduction mandate by the Govt. in respect of Sl. No. 1 of Form- A for each financial year from 2016-17 to 2025-26.
6. Copy of total fund deducted as. Labour cess of 1 % from total cost of each work/ project under Building and other Construction Worker Act 1996, in respect to Sl. No. 1 of Form-A foreach financial year from 2016-17 to 2025-26.
7. Copy of labour cess deposited (such as Challan copy, Cheque counterfoil, Demand Draft etc. whichever method is used) to the competent authority (APB&OCWWB) by the division for each financial year from 2016-17 to 2025-26.
8. Details of Officers (name and designation the and now) who is/ are responsible for deducting labour cess from the all project/ work executed under the division for each financial year from 2016-17 to 2025-26 .



9. Details of Officers (name and designation then and now) who is/ are responsible for deducting labour cess to the competent authority for the all projects/ work executed under the division, for each financial year from 2016-17 to 2025-26 as per Building and Other Construction Act 1996.
10. Details of third party officer/Audit officer for verifying whether the proper/ right amount of labour cess was deposited by the competent authority in respect of all the projects/works, to the concern authority (APB&OCWWB) for each financial year from 2016-17 to 2025-26.
11. Copy of total amount deducted as, contingency charge fund (i.e. project cost up to 3 crores is 1.5% & the project cost 3 crores of 1%) in details, from each project/ work in respect of Sl. No. 1 of Form-A, executed under the division for each financial year from 2016-17 to 2025-26.
12. Copy of expenditure details (along with supporting documents of expenditure) done by the concern Officers (name and designation then and now) of Contingency charge fund for each financial year from 2016-17 to 2025-26.
13. Copy of unutilized Contingency fund details (if any) for each financial year from 2016-17 to 2025-26.
14. Copy of Submission (in Challan form) of unutilized Contingency fund (if any) to the concern Govt. Head Account for each financial year from 2016-17 to 2025-26.
15. Copy of Total Percentage of Royalty amount deducted from each project/work for each financial year from 2016-17 to 2025-26.
16. Copy of Total amount of Royalty deducted from each project/work in respect of serial no. 1 for each financial year from 2016-17 to 2025-26.
17. Copy of Submission of Royalty (in Challan form or whatever method used) to the concern Govt. Head Account in respect of serial no. 16 of Form-A, for each financial year from 2016-17 to 2025-26.
18. Details of Record Officer (Name & Designation (then & now)) in the division/block as per PUBLIC RECORDS ACT 1993 GOVT. OF INDIA.
19. Furnish all the above documents with CTC & proper manner (i.e. in serial wise with properly Index, proper paging of each financial year and separate books for each financial year for easy & better understanding).

**Brief facts emerging from the appeal:**

Records in the appeal reveal that the appellant had requested the PIO for the aforementioned information in response whereof the PIO, vide his letter dtd. 22.10.2025 (as reproduced hereunder) informed the appellant that the sought for information can not be furnished in terms of APIC advisory Notification NO. APIC/C10/09/2024/418 Dtd. 19-11-2024 requiring the appellants to seek specific information of work for one financial year at a time.

"Sir/Madam,

- Please refer to your application I.D. No 001 date 27-09-2025 addressed to the undersigned regarding supply of information on 0/0 "plan and non-plan Works/project Sponsored by State fund/Central fund or both. 2016-17 to 2025-26

2. The information asked for cannot be supplied due to following reason:-

- (i) Vide Notification No. APIC/CIC, NO. APIC/C10/09/2024/418 Dtd. 19-11-2024. The information sought is not specific, It is indiscriminate, and vague information.



(ii) As per the intimation of State information Commissioner, APIC Itanagar that the appellant Should Seek specific information of work for one financial year at a time. Hence your application is rejected therefore.

3. As per Section 19 of Right to information Act, 2005. you may file an appeal to the higher authority, Government of Arunachal Pradesh, within 30 days of issue of this order.

Yours faithfully,  
Sd/-  
Competent Authority."

Records also reveal that the appellant, vide his letter dt. 15.11.2026, addressed to the EE-cum-PIO (reproduced hereunder) contested the decision of the PIO and requested the PIO to reconsider his decision.

"Respected Sir/madam,

With this letter I would like to inform you sir that as per the Information Commission order no. APIC/CIC/09/2024 dated 19th November 2024, declared null and void of the following decision made by commission dated 8th May 2024 where very Specific word was mentioned for the documents to be furnished by the PIO, and as per Section 7(1) of the RTI act, PIO shall be allowed to reject the Form-A of the RTI applicant for any reason specified in the Section 8 and 9 only, of the RTI Act 2005. So as, I would like to inform the concern PIO that the information sought by me does not fall under the section 8 & 9 of the RTI act and the information sought is not vague and indiscriminate in nature as I have very clearly mentioned the requirements of information in my form-A.

And as the Supreme court judgements (CBSE vs Aditya Bandopadhyay & Ors.) it clearly mentioned, in serial no. 37 of the verdict that, the RTI applicant should not seek indiscriminate and impractical documents unrelated to transparency and accountability in the functioning of the public authorities and eradication of corruption. As, matter of fact, my RTI application does concern for the transparency and Accountability in the functioning of the public authority. So, this judgement of the supreme court does not interpret in my case.

Therefore, it is a violation of the RTI Act, if the PIO reject the form-A application that does not fall under section 8 and 9 of the Act. So, I request the PIO to reconsider my Form-A application and furnish the required documents as I sought in my Form-A application.

Thank You

Sd/-  
Yours Faithfully  
Tamchi Gungte."

The appellant, however, failed to obtain the requested information which prompted him to file his 1<sup>st</sup> appeal before the First Appellate Authority (FAA), the Chief Engineer (PHE & WS), Bene, Aalo West Siang District, Govt. of A.P. under section 19(1) of the RTI Act vide their Memo of Appeal dt. 28.11.2025.



Records also disclose that the FAA conducted the hearing on 21.01.26 and vide his order of even dated, passed the following order:

**"ORDER**

**Subject: Appeal under Section 19(3) of the RTI Act, 2005 - Disposal thereof.**

1. **Brief Background:** Application seeking information in Form A under Rule -3 of RTI was submitted to the PIO concerned on 27/09/2025, along with a fee of Rs.10 (Ten) through IPO. Challan No.AR01189722120256P to furnish documents/information with respect to C/o "Plan and Non-Plan Works/Projects sponsored by the State/Central fund or both (Such as SIDF/BE/RE/RIDF/SADA/ADA/MLALAD/MPLAD/SPA/Article275(1)/PMJVK/PMDE VINE/NE C/NESIDS/Non-BADP,SASCI,JJM/NRDWM/SPM/Maintenance works etc.), executed under concerned Division from the financial year 2026-17 to 2025-26.

Records reveal that the appellant could not obtain the above information from the concerned PIO which prompted him to submit appeal to the Chief Engineer Central Zone (FAA), PHE & WS Department Bene, through his application I.D.no.001, Dated 28/11/2025 and IPO No.00H517923 of Rs.50.00 by post.

**2. Proceedings:**

Upon receipt of the First appeal on 29/12/2025 in the office of the FAA Bene, the same was registered and notices were issued to both the appellant and the PIO. The matter was taken up for hearing on 21/01/2026, wherein the appellant and Er. Tumba Ingo AE PHE & WS Sub-Division Katan attended on behalf of the PIO PHE & WS Division Yinkiong.

**3. Findings:-**

Upon hearing from the representative of PIO PHE & WS Division Yinkiong, it has been found that, the PIO concerned has not furnish the information sought, to appellant in the context of the minutes issued by the ARUNACHAL PRADESH INFORMATION COMMISSION ITANAGAR, Vide letter No.CIC/09/2016/103,Dated 8th May 2025. But it has been revealed that the Full Commission of APIC has reviewed the minutes of 8th May 2024 on 19th November 2024 and a notice to this effect was also issued on same day vide Letter No.APIC/CIC/09/2024/418, where in it has been clearly stated that the PIO shall not reject the RTI application citing 08.05.2024 decision of the APIC but shall furnish the information against whatever number of schemes under whatever number of funding head or funding programme or funding source and for whatever number of financial year as may be possible and feasible, however subject to the condition that the RTI applicants shall not seek for vague, indiscriminate and disproportionate information keeping in mind the ruling of the Hon'ble Supreme Court of India in Civil Appeal No.6464 of 2011 arising out of SLP(C)No.7526-2009) (CBSE & anr.Vs. Aditya Bandopadhyay & Ors.)

**4. Order-**

In view of above, the PIO cum Executive Engineer PHE & WS Division Yinkiong shall furnish the information sought, to the appellant within 45 days w.e.f 21.01.2026.

Sd/-

(K.Pertin)

First Appellant Authority."



But having failed yet again to obtain the information from the PIO despite the FAA's order, the appellant preferred his second appeal before this Commission under section 19(3) of the RTI Act vide Appeal Memo dt. 11.02.2026.

This appeal is, accordingly, listed today on 05.08.2026 wherein the PIO, Er. Shri Oling Taloh, E.E is present through VC while the appellant, Shri Tamchi Gungte is present in person.

Heard the parties.

The appellant submitted that the information / documents furnished by the PIO pursuant to the FAA's direction were returned back to the PIO as the documents were not properly furnished.

The PIO, on the other hand, submitted that the information sought for are under 20 various funding heads and pertain to the Financial Year -2016-17 to 2025-26, the collation of which are time taking due to staff shortage. He, therefore, pleaded for adequate time to furnish the requested information.

This Commission notices that the number of funding heads under which the documents / information have been sought are 20(twenty) and the requested information / documents relating to 10 FYs would, indeed, be voluminous. However, as clarified by the appellant, the actual records/information might not be that huge as the PIO's Division might not have implemented schemes under some of the funding heads. This Commission, therefore, directs the PIO to first find out the actual number of funding heads under which the Division has implemented schemes/projects during the period, 2016-17 onwards and till 2025-26 and accordingly, collate the requested information / documents as per the queries in the appellant's application and furnish the same to the appellant and report the compliance thereof to this Commission on 23.09.2026, the next date of hearing.

Given under my hand and seal of this Commission on this 5<sup>th</sup> August, 2026.

**NOW THEREFORE**, you are hereby summoned to appear in person\*or online in the Hon'ble Court of Shri Sangyal Tsering Bappu, **SIC in person on 23 Sept., 2026 (Wednesday) at 10.30 am** to answer the claims, and you are directed to produce on that day all the documents upon which you intend to rely in support of your claims/defense.

Take notice that, in default of your appearance, on the day above- mentioned, the matter will be heard and determined, including closure of the appeal, in your absence.

To avail online hearing please at least notify or get in touch one day prior to the hearing, download "**WEBEX MEETING APP**" from Google Play store. For further technical assistance Shri Himanshu Verma, IT Consultant (Mobile no. 8319014957) maybe contacted.

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

**Memo No. APIC-205/2026** 1809 **Dated Itanagar, the** 7 **Aug., 2026**

Copy to:

1. The Chief Engineer (PHE & WS), Eastern Zone Aalo, West Siang District, the First Appellate Authority (FAA) for information and compliance.
2. The PIO, o/o the EE (PHE & WS), Yingkiong Division, Upper Siang District PIN: 791002 for information and compliance.
3. Shri TamchiGungte, near KV-II School Chimpu PIN: 791113 Mobile NO. 8258820863/9402798349 for information.
4. ✓ The Computer Programmer/Computer Operator for uploading on the website of APIC, please.
5. Office Copy.
6. S/Copy.

*P. Ag. 5/8/26*  
**Registrar/ Deputy Registrar**  
**APIC, Itanagar.**

**Deputy Registrar**  
**Arunachal Pradesh Information Commission**  
**Itanagar**