



ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR.

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

Case No. APIC-44/2025.

(Summon to appear in person)

(Or.5, R.3 of CPC)

APPELLANT : Shri Godak Tama, Niti Vihar, PO Itanagar

RESPONDENT : The PIO, o/o the Chief Engineer, (CSQ),
PWD, Itanagar.

ORDER/SUMMONS

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Godak Tama for non-furnishing of below mentioned information by the PIO, o/o the Chief Engineer (CSQ) PWD, Itanagar as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 13.09.2024.

A) Particular of information: M/s SHA Enterprise.

B) Details of information required: All document including
(1) work order and
(2) work experience certificate
(3) completion certificate of M/s SHA Enterprise.

Facts emerging from the appeal:

Records reveal that the appellant herein had filed RTI application before the PIO seeking documents pertaining to the firm, M/S SHA Enterprises, Doimukh but the PIO-cum-Superintending Engineer (CSQ) o/o the CE (CSQ), PWD, Govt. of A.P, Itanagar, vide his letter dt.22.10.2025 refused to provide the same on the ground that the third party, M/s SHA Enterprise did not consent for sharing their documents. Aggrieved by the decision of the PIO, the appellant approached the First Appellate Authority (FAA), the CE (CSQ) vide Memo of Appeal dt.23.10.2024.

Records further disclose that the FAA had made an attempt to hear and consider the appeal by listing the appeal on 30.10.2024 for hearing. But no record has been made available in the appeal of the actual hearing and the decision, if any, by the FAA. However, the appellant apparently having failed to obtain the sought for information/documents, filed his 2nd appeal before this Commission under section 19(3) of the RTI Act, 2005 vide Memo dt.09.01.2025 which has been registered as APIC-44/2025.

The appeal is, accordingly, listed for hearing today on 25.04.2025 wherein the appellant Shri Godak Tama is present in person and Er. Shri Y.P.Singh(JE), the APIO, o/o the CE (CSQ) attended through VC.

Heard the parties.

The APIO, reiterating the replies already furnished to the appellant by the PIO, submitted that the documents sought for by the appellant can not be provided to him as the documents belong to a third party who had refused to share his documents to a third person. The appellant, on the other hand, contested by saying that there is larger public interest involved in disclosing the sought for information and therefore, can be furnished. The provisions of clause (e) of section 8(1) of the RTI Act, 2005 provides as under:

“ 8(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,-

(e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information.”

As the information(s) sought for belong to the firm, M/s SHA Enterprise, the PIO had, apparently, resorted to the provisions of section 11 of the RTI Act and since the said third party refused to share the documents, the information were denied to the appellant.

As per section 11 of the Act, if the requested information or record or part thereof has been supplied by a third party and has been treated as confidential by that third party, then the PIO has to give notice to such third party of the request inviting the third party to inform of its willingness or otherwise as to the disclosure of the requested information.

Further, clause (j) of the section 8(1) of the RTI Act, 2005 provides as under:

“ 8(1),-

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information officer or the State Public Information Officer or the Appellate Authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information.

Provided that the information.....”.

The implication of the provisions of law as above, shortly put, is that if the disclosure of a personal information has no relationship to any public interest or activity but such disclosure would cause unwarranted invasion of the privacy of an individual, such a personal information can not be furnished. On the other hand, if the PIO or the appellate Authority is satisfied that *a larger public interest justifies* the disclosure of such personal information, then such information can be furnished even if the disclosure would cause unwarranted invasion of the privacy of the individual.

In the appeal at hand, this Commission notices that the appellant has not been able to show that there exists public interest in disclosure of the requested information nor has he been able to produce any material indicating a real or suspected irregularity on the part of the third party in execution of any important public project so as to prompt him to seek the disclosure of the documents belonging to the third party.

This Commission, therefore, is inclined to hold, in the interim, that the response of the PIO is in congruity with the provisions of section 8 (1)(e) and (j) of the RTI Act, and as such no order directing the PIO to furnish the requested information could be issued unless the appellant comes up in next hearing with a categorical and favourable judicial ruling (Apex Court or any High Court), if any, for disclosure of such information in similar case(s) with same facts. The final hearing of this appeal is, thus, adjourned to 23rd May, 2025.

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 the 23rd May, 2025 (Friday) at 2 pm** 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 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) may be contacted.

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

Memo No. APIC- 44/2025 / 886 **Dated Itanagar, the 29 April, 2025**

Copy to:-

1. The Chief Engineer (CSQ), PWD, Govt. of A.P, Itanagar (A.P), the First Appellate Authority (FAA) for Information.
2. The PIO, o/o the Chief Engineer, (CSQ), PWD Itanagar (A.P) for Information.
3. Shri Godak Tama, Niti Vihar, PO Itanagar PS Niti Vihar District Papum Pare (A.P) Mobile No. 9402433426 for information.
4. ✓ The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
5. Office copy.
6. S/Copy.

P. Nagaraj
Registrar/ Deputy Registrar
APIC, Itanagar

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar