



ARUNACHAL PRADESH INFORMATION COMMISSION

ITANAGAR.

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

Case No. APIC- 170/2026.

(Summon to appear in person)

(Or.5 R.3 of CPC)

**APPELLANT
RESPONDENT**

: Shri Tamchi Gungte near KV-II Chimpu.
: The PIO, o/o the EE (RWD), Poma Division, Yupia
Papum Pare District.

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 (RWD), Poma Division, Yupia Papum Pare District as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 09.10.2025.

A. Particular of information: C/o "Total list of Plan & Non-plan Works/ projects sponsored by State fund/Central fund (such as SIDF/ BE/ RE/ RIDF/ SADA/ ADA/ MLA-LAD/ MP-LAD/ SPA/Article275(1)/ PMJKV erstwhile MsDP/ Untied/ Tied/ PM-DeVINE/ NEC/ NESIDS/ Non-BADP/ SASCI/ VVP/PMGSY/ Maintenance works etc.) executed under the concern division" from the financial year 2020-21 to 2025-26.

B.Details of information required:

- 1) Copy of Total List of Completed Projects/works (Plan & non-plan) in which the Security Deposits has been refunded to the contractors (submitted in FDR etc. and deducted from each running bill and final bill @2.5% minimum/7.5% maximum, of the gross amount of Bill) under the division for each financial year from 2020-21 to 2025-26 with proper date of completion details.
- 2) Copy of Total list of projects/works (Plan & non-plan) in which the Security Deposits has been on hold despite the completion of projects/work regulated under Clause 17 of GCC for each respective financial year from 2020-21 to 2025-26.
- 3) Copy of Register Of Security Deposit Form CPWA 67 maintained in the Division for each financial year from 2020-21 to 2025-26 in respect of the subject mentioned above.
- 4) Copy of Refund of Security Deposit (along with supporting documents of refund) to the Contractors as per agreement made in Forms CPWD 7 & 8 on the completion of works regulated by Clause 17 of GCC in respect of serial no.1 mention above for each financial year 2020-21 to 2025-26.
- 5) 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 but failed to obtain the same within the statutory period of one month which prompted him to file appeal before the First Appellate Authority (FAA), the Chief Engineer (RWD), Govt. of A.P, Western Zone, Itanagar under section 19(1) of the RTI Act vide his Memo of Appeal dt. 29.12.2025.

Records further reveal that the FAA had conducted the hearing on 03.02.2026 and passed the following order:

"JUDGEMENT/ORDER

The 1st Hearing related to RTI No.RWD/RTI-309/2026 held on 03/02/2026 at 1430 hrs in the office chamber of FAA-cum Chief Engineer (W/Z), RWD, Itanagar.

The Appellant shri, Tamchi Gungte was present and the Respondent was represented by Er. Yab Radap, APIO/JE, RWD, Yupia Division.

The Appellant has stated non furnishing of required documents from the concerned Division as per his RTI application in Form 'A' No. nil dated 07/10/25.

The respondent stated that the sought information will be provided to the appellant as per RTI Act 2005, on or before 30th April 2026.

The FAA after hearing the submissions made by both the parties and going through available records/documents hereby order.

(a) That the information sought by the Appellant to be provided by the PIO-cum-EE, RWD, Yupia Division, as applicable under RTI ACT 2005, on or before 30/04/26, with a copy of intimation to the undersigned, which was agreed by both the parties. In case of non-furnishing of documents, the reason to be mentioned thereof.

(b) In view of the above submissions and records, this appeal is fit to be disposed of and closed. And, accordingly, this appeal stands disposed of and closed once for all.

(c) Liberty to Appellant for filing appeal for the instant case if not satisfied

Sd/-

(Er. H. Tama)

Chief Engineer-cum-FAA(WZ)

Rural Works Department, Itanagar"

The appellant, however, apparently, did not receive the information despite the FAA's order which led him to file his second appeal before this Commission under section 19(3) of the RTI Act vide Appeal Memo dt. 02.02.2026.

Hearing and decision:

This appeal is, accordingly, listed today on 29.07.2026 wherein the appellant, Shri Tamchi Gungte is present in person while the PIO is represented by his Counsel, Advocate Shri Yitar Lombi.

- Heard the parties.

The appellant reiterating his demand for the sought for information from the PIO, pleaded for an appropriate direction to the PIO for furnishing the information. The Ld. Counsel for the PIO, however, complained that the information as sought for by the appellant are voluminous and not specific due to which it was not possible for the o/o the PIO to collate and furnish such a voluminous and indiscriminate information pertaining to huge number of funding heads. In this regard, the Ld. Counsel also submitted the PIO's written statement and prayer which is reproduced hereunder:

"WRITTEN SUBMISSION / REPLY ON BEHALF OF THE RESPONDENT"

May it Please the Hon'ble Commissioner/Appellate Authority:

1. That the Appellant had filed a 3 RTI application U/s 6(1). The "Form-A", was received on dated 30th October 2025, at my office.

A 3 copy of Form-A on dated 30th October 2025, Annexed herein
ANNEXURE-A

2. That the present reply statement is being submitted in response to the proceedings/notice issued by the Hon'ble Court of Shri Sangyal Tsering Bapu, the State Information Commissioner, in connection with the RTI case No. APIC-170/2026, 172/2026 and 173/2026. application filed by the Appellant.

3. That the Public Information Officer has acted in accordance with the provisions of Right to Information Act, 2005 and has made every reasonable effort to provide information that is available and held by the concerned public authority.

4. That the information sought by the Applicant is voluminous in nature and covers a large number of records, documents, works, periods, locations, and/or transactions. The request, as made, does not clearly identify any particular work, specific project, work order, bill, voucher, measurement book, or other precise record. That the RTI application does not specify the particular name of the work or project in respect of which the information is sought. In the absence of a specific project, scheme, name of work, work order number, project identification, location, financial year, or other identifying particulars, it is extremely difficult to identify the exact records intended by the Applicant. As per Section 7(9) of RTI Act, 2005 says that public authority is not obligated to compile, collect or summarize massive amounts of data from scattered records if it obstructs their day-to-day administrative duties. That the PIO response the application filed by Shri Tamchi Gungte, and sent a reply order to the appellant on dated 7/11/2025. No. EE/RWDRTI/-01/ Pt-358/2025-2026. And on dated 25/11/2025 No.EE/RWDRTI/-01/PL-358/2025-2026

A copy of reply order on dated 7/11/2025, 25/11/2025. Annexed
herein ANNEXURE-B

5. On dated 28th January 2026, hearing order/notice was received from Chief engineer RWD, WZ, Itanagar.

A copy of hearing notice/order Annexed herein ANNEXURE-C

6. On dated 2nd February 2026 Intimation letter was send to the Chief Engineer Western Zone, RWD, Itanagar and I authorized to the Er. Yab Radap to attend the hearing on behalf of PIO, RWD, Poma Division, Yupia.

A copy of letter 02/02/2026 annexed herein ANNEXURE-D

7. On dated 3rd February 2026 Chief Engineer, Western Zone, RWD, Itanagar, Hearing the matter.

A copy of Judgement Order dated 03/02/2026 Annexed herein
ANNEXURE-E

8. On dated 10th July 2026 summon notice issued by State Information Commissioner.

A copy of Summon Notice dated 10/07/2026 Annexed herein
ANNEXURE-F

9. That certain information sought by the Applicant is not available in the specific form, compilation, or manner requested. The RTI Act requires disclosure of information that is available and held by the public authority. The Public Information Officer is not required to create, compile, collate, analyse, interpret, or generate information in a new form, which is not maintained in the records of the public authority.
10. That the Public Information Officer respectfully submits that the RTI mechanism is intended to provide access to information available on record and does not require the public authority to create a new record or undertake extensive research and analysis to answer broad, vague, or unspecified queries.
11. That the Applicant has also sought information which is either not available with the concerned office or is not maintained in the exact form in which it has been requested. Wherever information was available and identifiable from the existing official records, the same has been provided or appropriate information has been communicated to the Applicant.
12. That the PIO has neither intentionally withheld any information nor acted with any mala fide intention. Any delay, limitation, or inability to furnish certain information has occurred solely due to the nature and extent of the information sought, the absence of specific particulars, and the fact that certain information is not available in the requested form.
13. That the Applicant may, if so desired, submit a fresh or suitably clarified request specifying the exact name of the work/project, work order number, location, financial year, date, bill number, or other relevant identifying particulars. Upon receipt of a specific and identifiable request, the concerned authority shall consider and provide the information available on record in accordance with the provisions of the RTI Act, 2005.

PRAYER

In view of the facts and circumstances stated above, it is most respectfully prayed that this Hon'ble Commission may kindly be pleased to:

- a. Take the present reply statement on record;
- b. Take note that the information sought is voluminous, broad, and not sufficiently specific to identify any particular work or project;
- c. Take note that certain information is not available with the public authority in the specific form requested;
- d. That the PIO has acted bona fide and in accordance with the provisions of the Right to Information Act, 2005; and
- e. Pass any other order deemed fit and proper in the interest of justice.

And for this act of kindness, the Respondent/P.I.O. shall, as in duty bound, ever pray.

Place: Itanagar

Date: 26 July 2026

Sd/-

Er. Techi Jobae, Executive Engineer (EE)
RWD, Public Information Officer."

This Commission also notices that *prima facie* the details of documents/information as sought for by the appellant in his RTI application, appear to be voluminous but the appellant clarified that of the 21 Funding Heads, the o/o the PIO might not have implemented any scheme or project under some of the Funding Heads such as, the MLA-LAD/MP-LAD Fund etc. Therefore, he contends that it is not correct to deny the requested information merely on the ground that the information sought for is voluminous and not- sufficiently specific.

In adverting to the instant issue/controversy raised by the PIO in his written submission, this Commission deems it relevant to refer to the principle of law settled by the Apex Court in the case of *CBSE & Anr. Vs. Aditya Bandopadhyay & ors.* in Civil Appeal No.6456 of 2011 whereby the Hon'ble Court held *that right to information is a cherished right and that right to information which are the tools to bring transparency and accountability should be enforced strictly. The Apex court at the same time, however, held that indiscriminate and impractical demand for disclosure of all sundry information not related to transparency and accountability in the functioning of the public authority would be counterproductive as it will adversely affect the efficiency of the administration.*

What emerges from the principle of law as above is that the provisions of the RTI Act are to be implemented by harmonizing the rights of the citizen under the RTI Act on the one hand and the efficient and unobstructed functioning of the public authorities due to indiscriminate queries on the other.

In the light of the above principle of law, this Commission directs the PIO to scrutinize and find out as to the actual number of Funding Heads out of the 21 numbers of Funding Heads under which any scheme/project was executed by his Division and also the actual number of F.Ys mentioned in the RTI application and report the same to this Commission on 28.08.2026, the next date of hearing to enable this Commission to proceed further for adjudication of the appeal in accordance with the provisions of RTI Act, 2005.

Given under my hand and seal of this Commission on this 29th July, 2026.

NOW THEREFORE, you are hereby summoned to appear in person or online in the Hon'ble Court of Shri Sangyal Tsering Bappu, SIC on 28.08.26 (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) maybe contacted.

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

Memo No. APIC-170/2026

/ 790

Dated Itanagar, the

31 July, 2026

Copy to:

1. The Chief Engineer (RWD), Western Zone Itanagar, Papum Pare District, the First Appellate Authority (FAA) for information and ensuring compliance by the PIO concerned.
2. The PIO, o/o the EE (RWD), Poma Division, Yupia Papum Pare District PIN: 791110 for information and compliance.
3. Shri Tamchi Gungte, 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.

**Registrar/ Deputy Registrar
APIC, Itanagar.**

**Deputy Registrar
Assachal Pradesh Information Commission
Manager**