



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-920/2025.

(Summon to appear in person)

(Or.5 R.3 of CPC)

APPELLANT : Shri Tamchi Gungte, near KV-II School Chimpu, Itanagar.

RESPONDENT : The PIO, o/o the Executive Engineer (WRD), Ziro Division.

ORDER / SUMMON

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Tamchi Gungte for non-furnishing of 12 (twelve) point information on implementation of Works/ projects sponsored by State fund/ Central fund or both (such as SIDF/ BE/ RE/ RIDF/ SADA/ ADA/ / MPLAD/ SPA/ Article 275(1)/ PMJVK/ CRIF/ PMDe Vine/ NEC/ NESIDS / Non-BADP, SASCI, FMBAP, PMKSY etc. during the financial year 2020-21 to 2025-26 by the PIO, o/o the Executive Engineer (WRD), Ziro Division, Lower Subansiri District (A.P) as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 10.09.2025.

This appeal was listed and heard for 3(three) times on 08.05.2026, 12.06.26 and 15.07.26.

On 08.05.26 this Commission passed the following order:

"Heard the parties.

The appellant, reiterating his replies to the PIO vide his letter dt.18.10.25, submitted that the PIO, instead of furnishing the requested information, had asked for an unreasonable cost of the documents. The PIO, on the other hand, submitted that the cost of documents (Rs.40200/-) has been calculated and arrived at taking into account the details of information sought for more than 20 funding programs/heads and for more than 6 Financial years.

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 most of the requested information pertain to figures and not the hard copies which the PIO can furnish in a tabular form.

*In adverting to the instant issue/controversy, 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 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 on the other.

In the light of the above principle of law, this Commission directs the appellant to prioritise his demand for the information documents and submit a revised request specifying clearly the points relevant to transparency and accountability and on receipt whereof the PIO shall furnish the replies /documents in a tabular form with proper paging /indexing and it is made clear that if the o/o the PIO does not hold any of the requested information, he shall furnish appropriate explanation/reason therefor on an affidavit as required by section 7(8)(i) r/w section 18(3)(c) of the RTI Act, 2005 and Rule 5(vi) of the AP Information Commission (Appeal Procedure) Rules, 2005.

The appellant shall comply with the direction within 1(one) week from the date of receipt of this order and the PIO shall comply with the direction within 3(three) weeks of the receipt of the revised request from the appellant and report the compliance thereof on 12.06.2026, the next date of hearing."

On 12.06.2026, the PIO was absent. The appellant who was present in person submitted that in compliance with this Commission's order dt.08.05.26, he submitted a revised list of specific request to the PIO in the month of May but he did not receive the replies to the revised list of request.

This Commission, therefore, directed the PIO to furnish the replies/documents to the appellant as per the revised list of queries and report the compliance thereof on 15.07.2026.

On 15.07.2026, the appellant, Shri Tamchi Gungte was present in person while the PIO was represented by Er. Shri Nani Tade, APIO.

This Commission after hearing the parties, passed the following order:

"Heard the parties.

The appellant reiterated his submission made in the last hearing on 12.06.2026 that he had submitted a revised list of specific request to the PIO in the month of May but the PIO did not furnish the replies. The APIO, on the other hand, contended that the o/o the PIO, vide letter dt.24.06.2026, had advised the appellant to deposit a sum of Rs.4530.00 being the cost of documents as per the revised list of information but the appellant did not deposit the amount and as such the replies/information as sought for by him remained unfurnished.

This Commission perused the aforesaid letter dt.24.06.26 from the PIO asking the appellant to deposit the cost of documents which the appellant had refused on the ground that the PIO failed to respond and furnish the requested information within the prescribed period of one month.

In this regard this Commission deems it appropriate to remind the PIO of the provisions of section 7(1) of the RTI Act, 2005 which mandates the PIO to furnish the requested information to the applicant within 1(one) month of the receipt of RTI application and as per sub-section-(6) of section-7, if the PIO fails to furnish the information within the prescribed period of one month, the information has to be furnished to the applicant free of cost.

In the present case the PIO, having received the appellant's RTI application on 19.09.25 (as per the tracking record of Speed post), was bound to furnish the requested information on or before 18.10.2025 but, instead, vide his letter dt. 27.10.2025 asked the appellant to pay/deposit a sum of Rs. 40200/- (Rupees Forty Thousand Two

Hundred) being the cost of documents. The appellant, apparently, disappointed with the demand of such cost of documents by PIO, that too after the expiry of the statutory period, had approached the Chief Engineer, WRD, Western Zone, Vivek Vihar, Itanagar the First Appellate Authority (FAA), under Section 19 (1) of the RTI Act.

The PIO, having committed the lapse, thereby violating the provisions of sub-section (1) of section-7 of the RTI Act, could not have asked for the cost of the documents from the appellant but ought to have furnished the documents free of cost in terms of sub-section (6) of section-7 of the RTI Act.

This Commission, therefore, rejects the PIO's demand for the cost of documents from the PIO and directs him to furnish to the appellant the requested documents/information free of cost in respect of **11(eleven) funding heads out of 18 (eighteen) heads. The information on rest 7(seven) funding heads namely, MPLAD, SPA, CRIF, PMDeVine, NEC, NESID and FMBAP need not be furnished which the appellant has fairly agreed** because, as submitted by the APIO, the Ziro Division did not execute any projects under those funding heads.

It is made clear that as mandated by section -7(8)(i) of the RTI Act, 2005 when an information is denied to the applicant, the reason thereof has to be communicated to the applicant to his/her satisfaction. And as mandated by section-18(3)(c) and rule-5(vi) of the AP Information Commission (Appeal Procedure) Rules, 2005, the submission/reply of the PIO has to be declared on an affidavit.

The PIO shall comply with the above direction within 2(two) weeks from the date of receipt of this order and the appellant shall, thereafter, within 1(one) week intimate this Commission of the receipt of the same failing which this appeal shall stand closed without further notice."

Pursuant to the order of this Commission as above, the o/o the Chief Engineer (WRD), Western Zone Itanagar, the First Appellate Authority (FAA), vide his letter dt.27.07.2026 (as reproduced hereunder), had advised the PIO to comply with the direction of this Commission to furnish the requested information free of cost.

"Sub: Furnishing of the Requisite Information to the Appellant Free of Cost.

Sir,

Enclosed herewith is a copy of the Order received from the APIC in Case No. 920/2025. As per the Order, the matter was heard on 08.05.2026, wherein both the appellant and the PIO were present. The Commission observed that the information originally sought by the appellant was voluminous. Accordingly, it directed the appellant to specify the requisite information and resubmit the application. The Commission further directed the concerned PIO to furnish the required information/documents in tabular form within three (3) weeks from the date of receipt of the revised application.

Subsequently, the appellant submitted a revised application specifying the required information. However, the PIO, WRD, Ziro, has not furnished the information, as directed by the Commission within the stipulated time and period.

In view of the above, you are requested to furnish the requisite information to the appellant free of cost, in accordance with the directions contained in the Commission's Order.

Enclosed: APIC Order copy.

*Sd/-
CE-cum-FAA
WRD(WZ), Itanagar.*

*Sd/-
APIO
o/o CE-cum-FAA
WRD(WZ), Itanagar.*

This Commission also in the meanwhile, received letter dt.31.07.26 from the appellant (as reproduced below) complaining that the PIO failed to comply with the order of this Commission and requested for summoning the PIO.

"Sub: An appeal to fix another date of Hearing Case APIC NO. 920/A/2025 (PIO-cum- EE, WRD Ziro Division, Lower subansiri Dist.

Respect sir,

I am writing this letter to inform the honourable court, that the PIO have failed to comply with the Court order dtd. 17th July 2026. Therefore, I request the honourable court to fix another date of Hearing and initiate section 20(1) of the RTI Act 2005.

Dated: 31/07/2026

*Your faithfully
Sd/-
Tamchi Gunge (appellant)."*

This Commission notices that the PIO, despite this Commission's order and the FAA's advice as above, failed to comply with the order of this Commission which amounts to blatant and willful disrespect to this Commission and the RTI regime making him liable to be proceeded against under the relevant provisions of RTI Act.

The PIO, as already directed by this Commission in its order dt.15.07.2026, shall furnish the information/documents to the appellant within 3(three) weeks from the date of receipt of this order and report the compliance therewith to this Commission on 4th September, 2026, the next date of hearing failing which penalty of Rs.25,000.00 as prescribed under section 20(1) of the RTI Act, 2005 shall be imposed upon him for violation of the provisions of RTI Act and willful disobedience of this Commission's order.

Given under my hand and seal of this Commission on this 10th 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 4th Sept., (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- 920/2025

Dated Itanagar, the 12 Aug., 2026

Copy to:-

- 1) The Chief Engineer (WRD), Western Zone Itanagar Vivek Vihar, the First Appellate Authority (FAA) for information and ensuring compliance by the PIO.
- 2) The PIO, o/o the Executive Engineer (WRD), Ziro Division, Lower Subansiri District (A.P) PIN: 792129 for information and compliance.
- 3) Shri Tamchi Gungte, Near KV-2 School Chimpu, Itanagar Mobile No. 9233567279 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
Arunachal Pradesh Information Commission
Itanagar