



ARUNACHAL PRADESH INFORMATION COMMISSION

ITANAGAR.

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

Case No. APIC-89/2025.

(Summon to appear in person)

(Or.5, R.3 of CPC)

APPELLANT

: Shri Tamchi Gungte, Near KV-II School Chimpu

RESPONDENT

: The PIO, o/o the Executive Engineer, (PWD),
Roing Division, District: Lower Dibang
Valley Govt. of A.P

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 Executive Engineer, (PWD), Roing Division, District : Lower Dibang Valley, Govt. of Arunachal Pradesh as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 14.10.2024.

A) Particular of information: c/o "Improvement of Bomjir-Paglam road (Bizari to Anpum, L-13.400 km) "during the financial year 2021-22.

B) Details of information required:

Certified Sanction Order copy;

1. Certified LOC copy;
2. Certified copy of utilization certificate;
3. Certified copy of Notice Inviting Tender (NIT) ;
4. Certified copy of Progress report of the projects in physical and financial section till date;
5. Certified copy of copy of Completion certificate of the project;
6. 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;
7. Certified design and scope of work in the projects;
8. Certified copy of work specification of the projects;
9. Certified Copy of documents submitted by tender participant for Technical Bid;
10. Name of Firms who won the Tender Work;
11. Name of Officers and their designation at the time of monitoring the work.

12. Certified copy of Contractor Registration. Pass work completion, Contractor enlistment update reports, of tender participant and winning Firm;
13. Certified copy of EMD and Security money deposited by all the tender participant;
14. Certified Integrity Pact submitted by the tender participant;
15. Certified copy of an Affidavit copy sworn before a competent Magistrate by the Contractor, to the effect that he does not have two or more incomplete ongoing commitments (project / contract to execute) at the time of bidding by the tender participant and winning firm. (as per rule SPWD/W-66/2012 Dtd. 01.08.2018);
16. 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 in the last 5 years ending last day of the month previous to the one in which the tenders are invited;
17. Certified copy of Acceptance letter for Tender Work by the Executing Agency to the tender winning farm;
18. Certified copy of Work Order given to the Contractor by the Executing Department;
19. Certified copy of modes adopted for the execution of work through EPC mode by the Dept;
20. Agreement copy made between the Contractor and the Executive Agency for the projects mentioned above;
21. Photograph of worksite (Glossy paper) before starting of work and photograph (Glossy paper) after completion of work
22. Geo Coordinate information for the work mentioned above and
23. Certified payment details of the project till date.

Records reveal that the Appellant failed to obtain the information sought from the PIO which prompted him to file appeal before the Chief Engineer (PWD) (E/Z), Namsai, the First Appellate Authority (F.A.A) under section 19 (1) of the RTI Act, 2005, vide his Appeal Memo dated 11.11.24. In response to the said Appeal Memo, the F.A.A conducted the hearing on 12.12.24 wherein the PIO's representative was present with the sought for information but the Appellant, Shri Tamchi Gungte was absent. As recorded in the order dated 20.12.24 passed by the FAA, the hearing could not be concluded due to absence of the Appellant. However, the Appellant was directed to go through the information brought by the PIO's representative and to attend the next hearing fixed on 10.01.25.

In the second hearing on 10.01.25, the Appellant was again absent without any intimation. It is noticed that due to continued absence of the Appellant and in view of the fact that the sought for information had already been furnished to the Appellant, the F.A.A, vide order dated 15.01.25 disposed of the appeal in terms of its earlier observation and order that if the Appellant still remains absent the appeal shall be disposed of presuming that the Appellant is satisfied with the information(s) provided by the PIO and is no more interested in the appeal.

The Appellant, dissatisfied with the order of the F.A.A as above, filed his second appeal under section 19 (3) of the RTI Act before this Commission vide his Appeal Memo dated 17/01/25.

This appeal is, accordingly, listed for hearing today on 23.04.25 wherein the Appellant, Shri Tamchi Gungte is present in person but the PIO is absent.

Heard the Appellant, who expressed his disappointment on the absence of the PIO or his representative in the hearing. The Appellant, while acknowledging the receipt of the documents/information(s) furnished by the o/o the PIO, expressed his dissatisfaction stating that the PIO has not furnished complete information as requested by him in his RTI application. e.g. the information/documents on the points at Sl.No. 5,7,8,9,10,12,14,16,17,18,19, 22, 23 and 24 were not furnished.

This Commission, upon hearing the Appellant and on perusal of the two orders dated 20.12.24 and dated 15.01.25, observes that the aforesaid two orders of the F.A.A cannot be treated as the orders passed on merit in as much as the said orders do not indicate anything as to whether the F.A.A, as Quasi-Judicial Authority under section 19(1) of the RTI Act, 2005, had gone into the aspects like what kind of information has been sought by the Appellant, whether the information sought are exempted under various exemption clauses etc. Be that as it may, since the Appellant is aggrieved and dissatisfied with the orders of the F.A.A and filed this appeal before this Commission under section 19 (3) of the RTI Act, this Commission, after considering the submission of the Appellant directs the PIO to furnish the left-out information(s)/documents to the Appellant on or before 21st May, 2025, the next date of hearing.

It is however, made clear that against information not available with the PIO, the PIO shall furnish a declaration to that effect by way of an affidavit.

Given under my hand and seal of this Commission on this 23rd April, 2025.

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 21 May, 2025 (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.

NOW THEREFORE, 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.

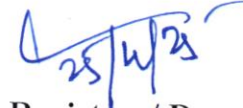
Sd/-
(SANGYAL TSERING BAPPU)
State Information Commissioner,
APIC, Itanagar.

Memo No. APIC- 89/2025 560

Dated Itanagar, the 24 April, 2025

Copy to:-

1. The Chief Engineer (PWD) (E/Z), Govt. of A.P, Namsai, Namsai District (A.P), the First Appellate Authority (FAA) for information and ensuring compliance of this order by PIO.
2. The PIO, o/o the Executive Engineer (PWD), Roing Division, Distt. Lower Dibang Valley PIN – 792110 for information and compliance.
3. Shri Tamchi Gungte, Near KV-II School Chimpu, Po/PS Chimpu, Dist : Papum Pare (A.P) PIN: 791113, 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

Registrar

Arunachal Pradesh Information Commissioner
Itanagar.