



ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Case No. APIC-168 /2025.
(Summon to appear in person)
(Or.5 R.3 of CPC)

APPELLANT : Shri Tamchi Gungte, Near KV-2 School, Itanagar.
RESPONDENT : The PIO, o/o the E.E(WRD), Tezu Division, Teazu.

ORDER/SUMMONS

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Tamchi Gungte for non-furnishing of 26(twenty six) point information on Project sanctioned under Pradhan Mantri Jan Vikas Karyakaram (PMJVK), erstwhile MsDP Scheme, by the PIO, o/o the Executive Engineer, (WRD) Tezu Division, Lohit District Arunachal Pradesh as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated: 11.11.24.

This appeal was heard for 3 times on 28.05.2025, 02.07.2025 and 06.08.2025.

On 06.08.2025, the PIO, Er. Shri Debang Tayeng who appeared through VC, informed that in compliance with the order this Commission, he has furnished the following replies through post office:

- 1.Voter ID and PRC (Sl. No. 3) : Not tendered;
- 2.Technical sanction(Sl.No.4) : Not available;
- 3.UC countersigned by the DC (Sl. No.5) : May be obtained from DPO/DC Namsai;
- 4.Progress report Sl. No.7) : May be obtained from DPO/DC, Namsai;
- 5.Contractor registration and enlistment: Not available;
- 6.Copy of EMD and Security (Sl.No.7) : Not tendered;
- 7.Affidavit on 2 or more incomplete works (Sl.No.19):Not tendered;
- 8.Certificate on completion of 3 similar works (Sl.No.20):Not tendered;
- 9.Photo graph of the work (Sl.No.24) :Not available.

This Commission after hearing the parties and perusing the replies of the PIO had passed the following order:

"This Commission on perusal of the replies notices that except for the 3 queries namely, completion report, work order and Payment details, the rest of the queries have been replied as 'not available' or 'not tendered'. As such the PIO is directed to furnish specific replies to those queries with justified reasons instead of mere 'Not available' or 'not tendered'.

Further as against 2 queries on Utilisation Certificate countersigned by the DC concerned, and the progress report, the PIO has remarked that the replies to those queries may be obtained from the DPO/DC, Namsai.

Such a reply is not acceptable under the RTI Act. As provided under section 6(3) and the proviso thereto if the subject matter against which information has been sought is available with another public authority, the RTI application should be transferred to such public authority within 5(five) days of the receipt of the application.

In the present case, the PIO having not done so, he could not have advised the appellant to obtain the said two documents from the DPO/DC, Namsai. As such, the PIO is directed to collect those documents from the DPO/DC, Namsai and provide to the appellant. The o/o the DPO/DC, Namsai is also directed to provide the requested information to the PIO, o/o EE, Tezu Division in terms of section 5(5) of the RTI Act.

In this regard this Commission deems it appropriate to apprise the PIO that it is the requirement of law {section -7(8)(i) of the RTI Act} that when an information is denied to the applicant, the reason thereof has to be communicated to the applicant to his satisfaction. And as mandated by section-18(3)(c) and under rule- 5(vi) of the AP Information Commission (Appeal Procedure) Rules, 2005, the submission/reply of the PIO has to be declared/supported by way of an affidavit.

The PIO, in the premises above, is directed to furnish those left out documents/information or the affidavits within one month from the date of receipt of this order with intimation to this Commission and the appellant shall, within one week thereafter, report the compliance for further consideration of the appeal."

Following this Commission's order as above, the PIO, vide letter dt.14.08.2025 has submitted the following submission:

"With reference to the above order/summons from your kind office, it is to explain the following:

1. Voter ID and PRC (Sl No 3) : A letter has already been sent to the office of the EE WRD Namsai to provide the information. (photocopy of letter enclosed)
2. Technical Sanction (Sl. No. 4) : A photocopy of the Technical Sanction of the work, Construction of PHC building at Piyong in Namsai block of Namsai District is enclosed. Whatever information available in the Division is being provided, however a letter has been sent to the office of the DPO Namsai to provide the information (Photocopy of letter enclosed)
3. UC countersigned by DC Sl. No. 5) : The UC are to be countersigned by the office of the DC for further submission to higher authorities. A letter has been sent to the office of the DPO Namsai to provide the information (Photocopy of letter enclosed)
4. Progress Report (Sl. No. 7) The progress Report are to be countersigned by the office of the DPO for further submission to higher authorities . A letter has been sent to the office of the DPO Namsai to provide the information (Photocopy of letter is enclosed)
5. Contractor Registration and enlistment : A letter has already been sent to the office of the EE WRD, Namsai to provide the information. (Photocopy of letter enclosed)

6. Copy of EMD and security Deposit (Sl. No. 17) : There is no available record of the projects being tendered. If there is no tender then the process of submitting EMD and security deposit does not arise.
7. Affidavit on 2 or more incomplete works (Sl. No. 19) : There is no available record of the projects being tendered. The information regarding affidavit on 2 or more incomplete works is required during tender process, therefore the information sought is not available.
8. Certificate on completion of 3 similar works (Sl. No. 20) : The information regarding completion of 3 similar works is required during tender process. Since there is no available record of the works being tendered, therefore, the information sought is not available.
9. Photograph of the work (Sl. No 24) : The works were executed under Namsai area therefore a letter has already been sent to the office of the EE, WRD Namsai to provide the information. (Photocopy of letter enclosed)

Sir, after the bifurcation of Lohit District into Lohit and Namsai districts, all the documents related to the works sanctioned and executed under Namsai area had been transferred to Namsai. Therefore for information regarding projects under Namsai area, help from the officers of Namsai has to be sought. Also sir, it is humbly submit that the office of the EE WRD, Tezu is one of the oldest existing office built in 1970s. the store as shown in the photograph enclosed was damaged during a hailstorm rendering many files and documents useless causing much discomfort to your kind office and to appellant. Therefore Sir, with sincere apologies it is to submit that as soon as the above mentioned information is collected from Namsai, the information will be furnished immediately to you office and to the appellant."

It is seen that the PIO, vide his letters dt. 20.08.2025 addressed to the EE(WRD) Namsai Division had requested for the information sought for by the appellant as under:

Sl. No.	Name of Project	Year	Information sought
1.	Construction of Primary Health Sub Centre building at Jona – III in Namsai block of Namsai District	2015-16	1.Voter ID and PRC of Contractor 2. Technical Sanction 3. Contractor Registration and Enlistment 4.Photographs
2.	Construction of Primary Health Sub Centre building at Nongtaw Khamti Village in Namsai block of Namsai District	2015-16	- Do -
3.	Construction of Primary Health Sub – Centre building at Wingko village in Namsai Block of Namsai District.	2015-16	- Do -
4.	Construction of PHC building at Piyong in Namsai block of Namsai District	2015-16	- Do -
5.	Construction of Primary Health Centre building at Lathao in Namsai block of Namsai District.	2015-16	- Do -

6.	Construction of 80 bedded RCC type working women Hostel at Namsai in Namsai block of Namsai District.	2015-16	- Do -
7.	Construction of 15 ACRs and 4 Toilets at Govt. Hr. Sec. School Lathao in Namsai block of Namsai District.	2015-16	- Do -

The PIO also, vide his letter of even dated had requested the District Planning Officer, Namsai for **the Progress Report and Utilisation Certificate** against the aforementioned schemes.

In the meanwhile, the appellant, Shri Tamchi Gungte vide letter dated 11th Sept. 2025 complained that despite multiple hearing & directions to the PIO to furnish the incomplete / remaining documents, the PIO has failed to furnish the documents. The appellant, thus, alleging that the PIO is wasting the resources and time of both the Commission and the appellant which is a contempt of the Court, pleaded this Commission for taking necessary action and hear the appeal again.

It may be mentioned here that vide order dated 6th August, 2025 this Commission directed the PIO to furnish those left out documents/information or the affidavit within one month from the date of receipt of this order with intimation to this Commission and also directed the appellant to report the compliance thereof by the PIO for further consideration of the appeal.

This Commission notices that by order dt.08.08.2025, the PIO was directed to furnish specific replies to those queries with justified reasons wherever it has been replied as mere 'Not available' or 'not tendered'.

The EE(WRD), Namsai Division and the DPO, Namsai were also directed to provide the requested information to the PIO, o/o EE, Tezu Division in terms of section 5(5) of the RTI Act which is reproduced hereunder:

"5(1)....

(2).....

(3).....

(4) *The Central Public Information or State Public Information Officer, as the case may be, may seek the assistance of any officer as he or she considers it necessary for the proper discharge of his or her duties.*

(5) *Any officer, whose assistance has been sought under sub-section (4), shall render all assistance to the Central Public Information Officer or State Public Information Officer, as the case may be, seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Central Public Information Officer or State Public Information Officer, as the case may be."*

The implication of the provisions of the above sub-sections is that on being requested by the PIO for the assistance of an officer for providing the documents requested by an RTI applicant, the said officer is bound to provide the requested documents/information and in the event of failure to provide the documents/information, such officer can be proceeded against as a PIO.

In the premises as above, this Commission deems it appropriate to hear the EE (WRD), Namsai Division, Namsai and the District Planning Officer, Namsai along with the PIO, the EE(WRD), Tezu Division with the left out documents which are being held by their respective office, in the next hearing on **07.11.2025**.

NOW THEREFORE, the PIO-cum EE(WRD), Tezu Division, the E.E(WRD), Namsai Division and the DPO, Namsai are hereby summoned to appear in person in the Hon'ble Court of Shri Sangyal Tsering Bappu, **SIC on 7th November, 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.

Given under my hand seal of this Commission on this 29th Sept., 2025.

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

Memo No. APIC- 168/2025 / 662 Dated Itanagar, the 30 Sept., 2025

Copy to:

1. The Chief Engineer (WRD), E/Z, Miao, Changlang District Govt. of A.P First Appellate Authority (FAA) for information and ensuring compliance by the PIO.
2. The DC, Namsai for information and ensuring compliance of this order by the DPO please.
3. The PIO, o/o the E.E (WRD), Tezu Division, Lohit District Govt. of AP PN: 792001 for information and compliance.
4. The E.E (WRD), Namsai Division, Namsai Dist., (A.P) PIN: 792103 for information and compliance in terms of the provisions of sub-section (5) of section 5 of the RTI Act, 2005.
5. The DPO, o/o the DC, Namsai for information and compliance in terms of the provisions of sub-section (5) of section 5 of the RTI Act, 2005.
6. Shri Tamchi Gungte, Near KV-2 School, Chimpu Itanagar, Papum Pare District, Pin code: 791113, Mobile No. 9233567279 for information.
7. The Computer Programmer/Computer Operator for uploading on the website of APIC, please.
8. Office Copy.
9. S/Copy.

P. Rangaswamy
Registrar/ Deputy Registrar
APIC, Itanagar.

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar