



सूचना का
अधिकार
RIGHT TO
INFORMATION



ARUNACHAL PRADESH INFORMATION COMMISSION (APIC)
ITANAGAR

File No. APIC-128 (R)/2025(Appeal)

Shri Tamchi Gungte,
Near KV-II School Chimpu
PO/PS: Chimpu
PapumPare District A.P
(M) 9233567279
Pin Code: 791113

Appellant

versus

1. PIO,
O/o Executive Engineer (EE)
PHED Dept. Mechuka Division
Shi-Yomi District A.P
Pin Code: 792051

Respondents

2. FAA,
Superintending Engineer (SE)
PHE & WS Circle Bene, Aalo
West Siang District A.P
Pin Code: 791001

ORDER

Date of Hearing: 12.09.2025
Date of Decision: 12.09.2025

INFORMATION COMMISSIONER : Dani Gamboo
Relevant facts emerging from appeal.

RTI application filed on	:	03.10.2024
SPIO replied on	:	Not on record
First appeal filed on	:	25.11.2024
First Appellate Authority's Order	:	Not on record
Second Appeal filed on	:	06.02.2025

Information sought:

The appellant filed an RTI application dated 03.10.2024 seeking following information regarding C/o "Improvement of Water Supply System for Mechuka Township & Peripheral villages with Sewerage System and Riverfront development for boosting tourism in Mechuka Township Arunachal Pradesh, under the North East Special Infrastructure Development scheme (NESIDS) in A.P. during the financial year 2022-23.

1. Furnish the certified copy of Integrity Pact submitted by the tender participant.
2. Furnish the certified copy of Work Specification of the Project.
3. Furnish the certified copy of Design and Scope of the project.
4. Furnish the certified copy of EMD and Security money deposited by all the tender participant.
5. Furnish the certified 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 tender is invited.
6. Furnish the certified copy of Documents submitted by the tender participant for Technical Bid in the tender process.

Relevant facts emerged during hearing:

Previous Hearing:

1st Hearing : 17.07.2025

In first hearing ordered as: *"The Commission has remanded back to the FAA – Superintending Engineer, PHE & WS Circle Bane, Aalo with the direction to conduct a procedural hearing to PIO and Appellant and dispose of the appeal case filed to him on or before 31.7.2025."*

The following were present.

Appellant : Present. He states that neither the FAA has not heard the appeal case nor the PIO has furnished any information to him.

Respondent PIO : Absent. APIO - Shri Dorik Bagra, ASW represented the PIO. He submits that he has brought the information sought by the appellant.

F A A : Absent.

Decision:

The Commission after adverting to the facts and circumstances of the case, and perusal of the records and hearing the parties, observes that FAA has not complied with the Commission's order dated 17.07.2025. The FAA – SE, PHE & WS, Circle Bane, Aalo has written a letter dated 09.12.2024 to the PIO directing him to furnish the information sought to the appellant without procedural hearing to PIO and Appellant to dispose of the appeal filed to him.

Again, the FAA states vide his letter dated 20.08.2025 that the First Appellant Authority in all Engineering Organisation under Arunachal Pradesh Right to Information Rule, 2005 is the concerned Chief Engineer. But in Right to Information Act 2005 under section 19(1) the aggrieved applicant can prefer an appeal to such

officer who is senior in rank to the State Public Information Officer in each public authority.

Accordingly, the appellant has filed his appeal case to the SE, PHE & WS Bane Circle. The Act is the primary Law and the rule framed by the State Government is only subordinate legislation. So, the FAA – SE, PHE & WS, Circle Bane, is bound to conduct hearing and dispose of first appeal filed to him by the appellant as per guidelines as laid *at para-38 of the guidelines for the FAA issued by the GoI and State Govt. OM No. AR-111/2008 dated 21.8.2008* instead of writing letter to PIO for furnishing information.

The FAA - SE, PHE & WS, Bane Circle is directed to invariably conduct a hearing giving fair and equal opportunity to both the appellant and the PIO and thereafter pass reasoned and speaking order on merit within two weeks from the date of issue of this order under intimation to this commission.

The PIO is directed to handover the information brought to the appellant and obtain acknowledgement and submit a copy to this commission today. The appellant is directed to examine the information furnished to him and make a written submission to the PIO if there is any shortcoming in the information furnished to him within one week from the date of issue of this order under intimation to the first appellate authority and to this commission.

Order pronounced in the Open Court of this Commission today this 12th day of September' 2025. Each copy of the Judgement / Order be furnished to the parties.

Given under my hand and seal of this Commission / Court on this 12th day of September 2025.

**Sd/-
(Dani Gamboo)
Information Commissioner**

Authenticated true copy

P. Raj
Registrar / Dy. Registrar
APIC

Memo No. APIC-128(R)/2025/ *604* Dated Itanagar the *16* September' 2025.
Copy to:

1. ☒ Computer Programmer Itanagar APIC to upload in APIC website and mailed to concerned department email.
2. Office copy.

P. Raj 15/09/25
Registrar / Dy. Registrar
APIC Itanagar
~~Deputy Registrar~~
Arunachal Pradesh Information Commission
Itanagar