



## **ARUNACHAL PRADESH INFORMATION COMMISSION**

### **ITANAGAR.**

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

**Case No. APIC-233/2025.**

**APPELLANT** : Shri Yamra Elia, Polo Colony, Naharlagun.

**RESPONDENTS** : (1) The PIO, o/o the E.E(HPD), Koloriang Division,  
Kurung Kumey Distt. (A.P)  
(2) The E.E (HPD), Ziro Division, Lower Subansiri, Ziro.

### **ORDER**

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Yamra Elia, for non-furnishing of below mentioned information by the PIO, o/o the Chief Engineer Hydro Power Development, Western Zone Govt. of A.P, Itanagar as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 24.09.2024:

**A) Particular of information:** Fure MHP at Damin (1x50 kw)

**B) Details of information required:**

1. the official Technical Order copy;
2. The NIT paper (Local daily news paper) if not then reason to be furnished;
3. How many bidders attended with submission of EMD;
4. Name of the contractor or firm (if NIT);
5. The winner of NIT tender with name and documents;
6. The Lowest rate L1, L2, L3 and L4;
7. Order copy;
8. Agreement copy in between contractor and executing agency;
9. Deposit of BG in which bank by winner of tender;
10. Total Nos. of Financial bids;
11. Geo tag report;
12. Check leaf for payment against the contractor;
13. Signature copy of both members attended during tender and
14. Document should be signed and CTC copy.

**C) Period for which information asked for:** 2010

### **Facts emerging from the appeal:**

Records emerging from the appeal are that the Appellant, Shri Yamra Elia had requested the PIO for the aforementioned information /documents but failed to obtain the same which prompted him to file appeal before the Chief Engineer (HPD), Govt of A.P (WZ), Itanagar, the First Appellate Authority (FAA) under section 19(1) of the RTI Act vide his Memo of Appeal dt.26.11.24. However, the appellant failed yet again to obtain the information and therefore, he preferred his 2<sup>nd</sup> appeal before this Commission under section 19(3) of the RTI Act, 2005 vide his Memo of Appeal dt.28.02.2025.



**Hearing and decision:**

This appeal was, accordingly, listed and heard in this Commission for 3(three) times earlier on 30.04.2025, 23.05.2025 and 02.07.2025.

This Commission, after hearing Er. Shri Taba Tagu, SW (C), the PIO o/o the Chief Engineer (HPD) on 30.04.2025 who submitted that the requested information are not held by the o/o the Chief Engineer (HPD)(WZ), Itanagar, but held by the o/o the E.E (HPD), Koloriang Division, summoned the EE, Koloriang Division in the next hearing on 23.05.25. However, the PIO, the E.E (HPD), Koloriang Division did not appear on the said date. The absence of the EE, Koloriang Division in the hearing, despite this commission's order and the advice of the PIO, o/o the Chief Engineer (WZ) vide letter dt.29.04.25 and dt.16.05.2025, was viewed seriously by this Commission.

In the subsequent hearing on 02.07.2025 despite this Commission's categorical direction to the EE, Koloriang Division to appear in the hearing with the requested documents, the PIO again failed to appear which compelled this Commission to issue show cause notice dt. 04.07.2025 to him to show cause as to why penalty of Rs. 25,000.00 (Rupees twenty five thousand ) should not be imposed, as provided under section-19 (8)(c) r/w section 20(1) of the RTI Act, 2005, on him for non-compliance of the direction of this Commission and was also directed him to appear before the Commission on 06.08.2025 at 10.30 am. But the PIO, Er. Sri Darmar Ete again failed to appear nor submitted any reply to the show cause notice but deputed Er. Shri Nangram Dawa with a letter dt.04.08.2025 the content of which was bereft of any justifiable ground for his non-appearance in the hearings leaving this Commission with no option but to impose penalty as provided under Section 20(1) of the RTI Act, 2005 for violation of section 7(1) of the RTI Act, 2005.

The PIO, Er. Shri Darmar Ete, E.E-cum-PIO, o/o the Executive Engineer (HPD), Koloriang Division was, thus, imposed a penalty of Rs. 25,000.00 (Twenty five thousand) to be deposited through Treasury Challan within 2(two) weeks from the date of receipt of order dt.08.08.2025. The PIO was also directed to furnish the requested documents/information to the appellant failing which, it was made clear that he shall be liable to further action (disciplinary) under section 20(2) of the RTI Act.

In compliance with the order of this Commission dt.08.08.2025, the PIO deposited Rs.25,000.00 vide Treasury Challan No.GRN AR010236461202526P dt.19.08.2025. The PIO, however, failed to furnish the information and instead he had furnished a copy of his letter dt.19.08.2025 addressed to the E.E, Ziro Hydro Power Division, requesting to submit all the related documents for further submission to the applicant.

The appellant then complained vide his letter dt. 25.08.2025 that the PIO did not comply with the order of this Commission and requested this Commission to take disciplinary action against him under section 20(2) of the RTI Act.

This Commission, upon perusal of the PIO's aforesaid letter dt.19.08.2025 to the EE(HPD), Ziro Division and the appellant's letter dt. 25.08.2025, the EE(HPD), Ziro Division was also summoned for today's hearing along with the PIO, EE, Koloring Division.



As directed, today on 24.09.2025, Er. Shri Darmar Ete, the PIO, the E.E (HPD) Koloriang Division is present with some of the sought for information while the EE, Ziro Division is represented by Er. Shri Tomin Ete, the A.E (C), HPD, Yachuli Civil Division. The appellant, Shri Yamra Ellia is also present in person.

Heard the parties.

The A.E (C), HPD, Yachuli Civil Division submitted that the Koloriang Civil Division was curved out from erstwhile Ziro Civil Division in the year 2011-12 and that at the time of restructuring of departments in the year 2016 with jurisdiction of various Divisions located in the Districts of Lower Subansiri (along with new District of Keyi Panyor), Papum Pare, Kra Daadi and Kurung Kumey, the records in respect of the projects under Kurung Kumey were not transferred to Ziro HP Division since the projects located in Kurung Kumey were beyond the jurisdiction of the Ziro Division. In this regard the EE, Ziro HPD Division also submitted a detailed factual position which is reproduced hereunder:

*"Respected Sir,*

*Initially there were two working Divisions at Ziro, viz., Ziro Civil Division and Ziro EM Division. Koloriang Civil Division was curved out from erstwhile Ziro Civil Division way back in the year 2011/2012. After restructuring of the department in the year 2016, Ziro Civil Division was renamed as Ziro Hydro Power Division - I, with territorial jurisdiction of Lower Subansiri (along with present day Keyi Panyor District) and Papum Pare, for both Civil and EM works. Similarly, Ziro EM Division was renamed as Ziro Hydro Power Division - II with territorial jurisdiction over Kra Daadi District. Now, in the year 2019, Ziro Hydro Power Division (The then Civil Division) - I was further renamed as Daporijo Hydro Power Division with territorial jurisdiction over Upper Subansiri and Kamle districts. And Ziro Hydro Power Division (the then EM division) - II became 'Ziro Hydro Power Division' with territorial jurisdiction over Lower Subansiri, Kra Daadi and Papum Pare. Hence, while taking over the charges for Lower Subansiri and Papum Pare, erstwhile Ziro Hydro Power Division-II (now Ziro Hydro Power Division) had never sought any records for projects under Kurung Kumey District as it was beyond it's jurisdiction."*

The PIO, EE, Koloriang Division submitted that the project in question is still ongoing but most of the requested documents pertaining to past period could not be traced out. He, however, brought in the document against Sl.No.7. i.e copy of Govt. order dt.07.08.2008 / administrative approval for construction/implementation of 30 hydro power projects of various capacities for an amount of Rs.11621.80 lakh which included Fure MHS(1x50 KW) for Rs.238.69 lakh. The PIO also brought in the copy of agreement between the contractor and the executing agency (Sl. No.8).

With respect to information/documents against Sl. No.4 (Name of the contractor), Sl. No.5 (winner of NIT) and Sl. No.9 (record of BG), the PIO explained that those information /documents are part of the agreement signed between the contractor and the department which are available in the copy of agreement furnished to the appellant. However, as regards information/documents against rest of the points, the PIO assured to make effort to trace them out in the office of the CE at Itanagar. It is made clear that as regards the documents which can not be traced out, the PIO is directed to furnish a declaration to that effect, accordingly, by way of an affidavit as mandated by section-18(3)(c) and rule- 5(vi) of the AP Information Commission (Appeal Procedure) Rules, 2005,.

The PIO shall comply with the above direction within 3(three) weeks and thereafter within 1(one) week, the appellant shall intimate this Commission of the receipt of the documents failing which this appeal shall stand closed.

Given under my hand and seal of this Commission on this 24<sup>th</sup> Sept. 2025.

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

Memo No. APIC- 233/2025 / 6585 Dated Itanagar, the / 28<sup>th</sup> Sept., 2025

Copy to:

1. The Chief Engineer (Hydropower Development) (W/Z), Govt. of A.P Itanagar for information and ensuring compliance of this order by the PIO concerned.
2. The PIO, o/o the E.E (HPD), Koloriang Division, Kurung Kumey for information and compliance.
3. The E.E (HPD), Ziro Division, Ziro for information and compliance.
4. The PIO, o/o the Chief Engineer Hydropower Development (W/Z), Govt. of A.P Itanagar for information.
5. Shri Yamra Elia, Polo Colony, Naharlagun PO/PS Nlg., Papum Pare District (A.P) PIN: 791110 Mobile No. 6909899941 for information.
6. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
7. Office copy.
8. S/Copy.

*P. Rajiv*  
Registrar/ Deputy Registrar  
APIC, Itanagar.  
Deputy Registrar  
Arunachal Pradesh Information Commission  
Manager