



ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Case No. APIC-90/2025.

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

RESPONDENT : The PIO, o/o the Executive Engineer (PWD), Aalo Division, West Siang District, Aalo (A.P)

ORDER

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), Aalo Division, West Siang District, 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 Construction of road from Kodum CO Hqr to Bam Trijunction 16.50 km under West Siang district. During the financial year of 2022-23.

B) Details of information required:

1. Certified sanction order copy;
2. Certified Copy of PRC (Permanent Residence Certificate) submitted by tender participant issued by the Competent Authority regarding domicile status with the Districts as per Rule 4 (ii) (b) of the Arunachal Pradesh District based Entrepreneurs and Professionals (Incentive, Development and Promotion) rule, 2020;
3. Certified LOC copy with respect to the subject mentioned above;
4. Certified copy of Utilization certificate;
5. Certified copy of notice inviting tender (NIT) with respect to the subject mentioned above;
6. Progress report of the projects in physical land financial section till date.
7. Completion certificate of the project;
8. Copy of Newspaper in which NIT was published (at least 3 newspaper name (one national and 2 local) along with date of publication of newspaper, as per Government approved order;
9. Certified design and scope of work in the projects;
10. Certified Copy of work specification of the projects;
11. Certified copy of documents submitted by tender participant for technical bid;
12. Name of Firms who won the tender work with respect to the subject mentioned above;
13. Name of officers and their designation at the time of monitoring the work;
14. Certified copy of Contractor Resignation, Contractor Enlistment update reports, of tender participant and winning firm;
15. Certified copy of EMD and Security money deposited by all the tender participant.
16. Certified integrity pact submitted by the tender participant;

17. Certified Affidavit copy sworn before a competent Magistrate to the effect that he/she (tender participant), does not have 2 (two) or more incomplete ongoing commitment (project contract to executer) at the time of bidding by the tender participant and winning firm (As per rule SPWD/W-66/2012 Dtd. 01-08-2018;
18. 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 value not less than 60 % of the estimated cost or completed one similar work of value not less than 80 % of the estimated cost along with the completion certificate issued by the engineer in charge duly countersigned by the concerned superintending engineer and chief engineer, the last 5 years ending last day of the month previous to the one in which the tenders are invited;
19. Certified copy of Acceptance letter of Tender Work by the Executing Agency to the tender winning firm;
20. Certified copy of work order given to the Contractor by the executing department.
21. Agreement copy made between the Contractor and the Executive Agency for the projects mentioned above;
22. Certified copy of all photograph of work items (Glossy paper) before starting of work and photograph (Glossy Paper) after completion of work;
23. Geo coordinate information for the work mentioned above;
24. Certified payment details of the project till date;
25. Certified solvency certificate certified by the bankers, submitted by all the tender participant;
26. Certified credit facility from Bankers (10% of the Bankers, submitted by all the tender participants and
27. Certified Affidavit to invest cash upto (25% of tender value) submitted by the tender participant.

Facts emerging from the appeal:

Records in the appeal reveal that the appellant had requested the PIO for the aforementioned information but failed to obtain the same within the statutory period of one month which prompted him to file appeal before the First Appellate Authority (FAA), the CE (PWD), Central Zone-B, Pasighat under section 19(1) of the RTI Act vide his Memo of Appeal dt.25.11.25. But having failed yet again to obtain the information, he preferred his second appeal before this Commission under section 19(3) of the RTI Act vide his Appeal Memo dt.17.01.2025.

Records also reveal that the FAA had attempted to conduct the hearing of the appeal on 13.01.2025 but there is no further records as to the actual hearing and the order passed, if any, by the FAA. Be that as it may, the 2nd appeal having been preferred by the appellant, has been registered in this Commission and listed for hearing on 23.04.2025 wherein both the appellant, Shri Tamchi Gungte and the PIO, Er. Shri Ketum Siram, E.E (PWD) Aalo Division were present in person.

Hearing and decision:

The PIO submitted that most of the documents/information sought for by the appellant, except the tender documents submitted by the tender participants in respect of the technical bids (Sl. No.11), have been furnished to the appellant. The reason for denial of the documents submitted by the tenderers has been cited as the documents being exempted under section 8(1)(j) of the RTI Act. The Appellant on the other hand submitted that since the information sought for relates to matter involving public activity or interest, the same could be disclosed. Besides, the appellant also submitted that the PIO has not furnished the information/documents at Sl. Nos 9,10,11,14,15,18,19,20 and 22. On being asked, the PIO assured to furnish all the left out information/documents including the Sl.No.11, if so directed by this Commission.

This Commission, upon hearing the parties and on perusal of the provisions of clause(j) of section 8(1) of the RTI Act, 2005 vis-à-vis the RTI application submitted by the appellant, noticed that the RTI application has been filed seeking the information pertaining to the construction of road to be used by the public. Therefore, the disclosure of the sought for information/documents had a relationship to public activity or interest and in view thereof, this Commission did not accept the reason cited by the PIO in denying the information/documents at Sl.No.11. The PIO was therefore, directed to provide all the left out documents/information to the appellant within 2(two) weeks from 23.04.2025 with intimation to this Commission. The appellant was also directed to intimate this Commission of the receipt of those left out documents within one week thereafter failing which it was made clear that this appeal shall stand closed without any further order.

The appellant has now verbally intimated this Commission that he has received the left out documents from the PIO and pleaded for disposing of the appeal.

In the premises as above, this appeal stands disposed of and closed.

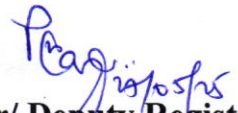
Given under my hand and seal of this Commission on this 26th May, 2025.

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

Memo No. APIC- 90/2025 / 446 Dated Itanagar, the 24 May, 2025

Copy to:

1. The Chief Engineer (PWD), Govt. of A.P Central Zone-B, Pasighat, East Siang District (A.P), the First Appellate Authority (FAA) for information.
2. The PIO, o/o the Executive Engineer, (PWD), Aalo Division, West Siang District PIN – 791001 for information.
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

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar