



ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC) ITANAGAR.

**An Appeal Case U/S 19(3) of RTI Act, 2005
Vide Case No. APIC- 518/2023**

Smti Tongyang Mema Bengia
Lower Chimpu Itanagar,
PO- Chimpu, PS- Itanagar, AP
Vs

..... APPELLANT.

PIO, o/o the EE, RWD Laying Yangte,
District –Kurung Kumey, AP

..... RESPONDENT.

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from **Smti Tongyang Mema Bengia, Lower Chimpu Itanagar, PO- Chimpu, PS- Itanagar, Arunchal Pradesh** for non-furnishing of information by **the PIO –cum- EE, RWD, Laying Yangte Division, Kurung Kumey District, Govt. of Arunachal Pradesh** as sought for by the Appellant under section 6(1) (Form-A) of RTI Act, 2005.

Date of filling of RTI application	10.02.2023
PIO's response	-
Date of filing of First Appeal	11.04.2023
First Appellate Authority's response	18.04.2023
Date of diarized receipt of Second Appeal by the Commission	19.05.2023
Date (s) of Hearing in the Commission	16.11.23, 21.12.23, 17.01.24, 31.01.24, 12.06.24, 03.07.24 and 21.08.24.
Date of order/decision	20.-9.2024

The appellant, vide his application dt.10.02.2023, had requested the PIO for furnishing 37 (thirty seven) point information regarding PMGSY BRTF Road to Ruba under Laying Yangte RWD Division.

Having failed to obtain the information from the PIO, the Appellant approached the office of the D.C, Kurung Kumey as the First Appellate Authority vide his Memo of Application dt.11.04.23 whereupon the APIO, o/o the D.C, Kurung Kumey, vide letter dt.18.04.2023 forwarded the application of the appellant to the Executive Engineer (RWD) Laying Yangte Division directing to furnish the information as sought for by the appellant.

Having failed yet again to receive the information, the appellant filed his 2nd Appeal before this Commission under section 19(3) of the RTI Act, 2005 vide his Memo of Appeal dt.19.05.2023.

This Commission heard this appeal for 7 (seven) times.

In the 4th hearing of this appeal the PIO was imposed penalty of Rs.25,000.00 and also compensation of Rs.20,000.00 for not furnishing the complete information. In the 6th hearing on 03.07.2024, the PIO, Shri Er. Shri Rambao Zimik, who reached the Court room little later handed over forwarding letter dt.02.07.2024 addressed to the appellant enclosing therein some of the information sought by the appellant and also complaining thereby that some of the points on which the appellant has sought information are repetitive while some are vague.

Upon perusal of the submission made by the PIO in the forwarding letter and on comparative analysis thereof with the 37 point information sought by the appellant in his application in form-A, the Commission found that some of the points on which information was sought are, in fact, either overlapping or repetitive while some are vague and not specific. For instance, the query on "xerox copy of completed report (CR) of installation" (item No.11) is not clear / specific. Further, the "names of contractor list" (Sl.No.7), the "names of firm who took participation in the tender process" (point. No. 9) and "the names of firms rejected in the tender process" (point No.22) are either overlapping or repetitive. Also the "copy of acceptance letter of agreement" (point No.30) is overlapping with the "copy of agreement between the contractor and Govt. of A.P" (point No.14). Some points at Sl.No.15, 16,17, and 18 are also found repetitive. The Ld. Counsel for the appellant who attended the hearing, was advised to discuss with his appellant client for limiting/ restricting his demand for information on specific points.

As regards few other remaining information, such as the information on phase-wise / installment-wise payment to the contractor (point No.20), the PIO assured to furnish them. The PIO was also directed to furnish the Utilisation Certificate (point No.25) against the work on completion of the work. However, as against Cheque No/PFMS (point No.37), the PIO submitted that since the payment is being made on OMMAS (Online Management, Monitoring and Accounting System) mode, the question of maintaining cheque counter foils / cheque leaf does not arise of which the Ld. Counsel got fully convinced.

The Ld. Counsel for the appellant was also advised to impress upon his appellant client not to insist on those information which are repetitive and which are exempted under the relevant provisions of section 8(1) of the RTI Act, 2005.

In the 7th hearing of this case on 21st August, 2024, both the PIO, Shri Zimik and the Appellant, Smti Tongyang Mema Bengia were present and during the course of hearing the PIO furnished a copy of Govt. order dated 06-08-2024 by which he has been transferred from the present place of posting i.e Laying Yangte to Ziro. The PIO, while furnishing part of left out information clarified that as regards MB at Sl. No.- 6 of his letter the same has not been given by the JE concerned.

Since the PIO has been transferred from Laying Yangte Division, this Commission directed his relieving officer to attend the next hearing along with the left out documents. However, in the meantime, this Commission received letter dt.19.09.2024 from the Ld. Counsel for the appellant intimating that his client (the appellant) has fully received all the information sought from the PIO correctly of which she is satisfied and prayed this Commission to dispose of the Appeal.

In the premises as above, this Commission finds that no further adjudication on the appeal is warranted and therefore, decides to dispose of and close the appeal accordingly, which it hereby does.

Given under my hand and seal of this Commission on this 20th September, 2024.

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

Memo. No. APIC- 518/2023/ 341
Copy to:-

Dated Itanagar, the 25th Sept. 2024

1. The D.C, Kurung Kumey, the First Appellate Authority of this particular appeal for information please.
2. PIO, o/o the EE, RWD, Laying Yangte, Kurung Kumey District, Pin-791118, Govt. of Arunachal Pradesh for information..
3. Smti Tongyang Mema Bengia, Lower Chimpu Itanagar, PO- Chimpu, PS- Itanagar, Pin-791111, Ph-8132068416, Arunachal Pradesh, for information.
4. The Computer Operator/Computer Programmer 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