



ARUNACHAL PRADESH INFORMATION COMMISSION

ITANAGAR.

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

Case No. APIC-178/2025.

(Summon to appear in person)

(Or.5, R.3 of CPC)

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

RESPONDENT : The PIO, o/o the Executive Engineer (RWD), Hawaii Division, Anjaw District (A.P)

SUMMONS

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 (RWD), Hawaii Division, Anjaw District Arunachal Pradesh as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 01.11.2024.

Particular of information: c/o "L024-PMGSY Road Krosam to Hunung village" during the financial year 2024-25.

Particulars of sought information are given below:

C/o "L024PMGSY Road Krosam to Hunung village"

1. Furnish the certified Sanction Order Copy.
2. Furnish the certified PRC (Permanent Residence Certificate) submitted by tender Participant issued by the Competent Authority regarding domicile status with the Districts as per Rule 4(11)(b) of the Arunachal Pradesh District Based Entrepreneurs and Professionals (Incentive, Development and Promotion) rules, 2015 & 2020.
3. Furnish the certified copy of Proof (such as Voter ID and PRC) that the tender winning firm Domicile status within the Territorial jurisdiction of that Constituency Assembly as per District Based Entrepreneur and Professionals (Incentive, Development and Promotion), rules, 2015 & 2020.
4. Furnish the certified LOC Copy with respect to the subject mentioned above.
5. Furnish the certified copy of Utilization Certificate.
6. Furnish the certified copy of Notice Inviting Tender (NIT) with respect to the subject mentioned above.
7. Furnish the certified Progress Report of the projects in Physical and Financial section till date.
8. Furnish the certified copy of Completion certificate of the project.
9. Furnish the certified copy of Newspaper in which NIT was published {At least 3 newspaper name (one National & 2 Local)) along with date of publication of Newspaper, as per Government approved Order.

10. Furnish the certified Design and Scope of Work in the projects.
11. Furnish the certified copy of Work Specification of the projects.
12. Furnish the certified copy of documents submitted by tender participant for Technical Bid.
13. Furnish the Name of Firms who won the Tender work with respect to the subject mentioned above.
14. Furnish the Name of Officers and their Designation at the Time of monitoring the work.
15. Furnish the certified copy of Contractor Registration, of the tender participant and tender winning Firm.
16. Furnish the certified copy of Contractor Enlistment Update reports (Civil/ Composite Category as per the nature of work), of tender participant and winning Firm.
17. Furnish the certified copy of EMD and Security money deposited by all the tender participant.
18. Furnish the certified Integrity Pact submitted by the tender participant.
19. Furnish the 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 (projects/contract to execute) at the time of bidding by the tender participant and winning firm. (as per rule SPWD/W-66/2012 Dtd. 01-08-2018 as _ per District Based Entrepreneurship Act, 2015 & 2020).
20. Furnish the 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 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 along with the Completion Certificate issued by the Engineer in Charge duly Countersigned by the Concerned Superintending Engineer . and Chief Engineer, in the last 5 years ending last day of the month "previous to the one in which the tenders are invited.
21. Furnish the certified reasons & provision to adopt TURNKEY /EPC Basis to execute this project.
22. Furnish the certified copy of Acceptance letter for Tender work by the Executing Agency to the tender Winning Firm.
23. Furnish the certified copy of Work Order given to the Contractor by the Executing Department.
24. Furnish the Agreement Copy made between the Contractor and the Executive Agency for the projects mentioned above.
25. Furnish the certified copy of all Photograph of work items (Glossy paper) before starting of work and Photograph (Glossy Paper) after completion of work.
26. Furnish the Geo Coordinate information for the work mentioned above.
27. Furnish the certified Payment Details (Cheque no., voucher, PFMS etc. (Which ever method is used of payments) } of the project till date.
28. Furnish the certified Solvency certificate certified by the Bankers, submitted by all the tender participant,
29. Furnish the certified Credit facility from Bankers (10% of the tender value) submitted by the tender participants.
30. Furnish the certified Affidavit to invest cash upto (25% of tender value) submitted by the tender participant.

Brief facts emerging from the appeal:

Records emerging from the appeal disclose that the Appellant, Shri Tamchi Gungte had requested the PIO for the aforementioned information / documents but failed to obtain the same which prompted him to appeal before the Chief Engineer (RWD), PMGSY, Govt. of A.P Itanagar, the First Appellate Authority (FAA) under Section 19 (1) of RTI Act, 2005 vide his Memo of Appeal dt. 27-12-2024. However, the appellant having failed yet again to obtain the information preferred second appeal before this Commission under Section 19 (3) of the RTI Act, 2005 vide memo of appeal dated 17.02.2025.

Hearing and decision:

This appeal is, accordingly, listed and heard today on 4th June, 2025, wherein the appellant is present in person and the PIO, Er. Shri Bajai Pul, EE is present through VC.

Heard the parties:

The PIO submitted that in response to the RTI application filed by the appellant, his office, vide letter dt.31.01.2025, had requested the appellant to collect the requested documents from his office by depositing a sum of Rs. 302.00 being the cost of 151 pages of sheets @ Rs.2.00 p/sheet but the appellant did not deposit the amount and therefore, the information remained unfurnished. On the other hand the appellant contended that he did not receive the said letter from the PIO. He further contended that even if he had received the said letter, he is not bound to pay the cost since the PIO did not intimate him within the statutory period of one month. As such he pleaded that the PIO be directed to provide the requested information free of cost in terms of the provisions of section 7(6) of the RTI Act, 2005.

This Commission observes that the PIO had indeed failed to take action as mandated under section 7(1) of the RTI Act and therefore, as rightly contended by the appellant, the requested documents/information are to be provided to the appellant free of cost as provided by section 7(6) of the RTI Act. The PIO is, accordingly, directed, in the interim, to provide the information duly indexed and countersigned through a messenger within 1(one) week from today so as not to constrain this Commission to take penal action under section 20 of the RTI Act for non-compliance of its order. The appellant is also directed to intimate this Commission of the receipt of the documents within one week from the date of receipt of the documents failing which this appeal shall stand closed without further notice.

Given under my hand and seal of this Commission on this 4th June, 2025.

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

Memo No. APIC- 178/2025

Dated Itanagar, the 5th June, 2025

Copy to:

1. The Chief Engineer (RWD), PMGSY Govt. of A.P Itanagar, the First Appellate Authority (FAA) for information and ensuring compliance by the PIO.
2. The PIO, o/o the Executive Engineer (RWD), Hawaii Division, Anjaw District, Arunachal Pradesh PIN – 792104 for information and compliance.
3. Shri Tamchi Gungte, Near KV-II School Chimpu, PO/PS Chimpu, Dist : Papum Pare, 791113, A.P. 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