सत्यमेव जयते

सूचना का अधिकार
RIGHT TO INFORMATION

ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Case No. APIC-133/2025.

APPELLANT : Shri Ratan Chetia, Vill. Sitpani Morang.

RESPONDENT : The PIO, o/o the E.E(WRD), Deomali Division, Tirap District (A.P)

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Ratan Chetia, for non-furnishing of below mentioned information by the PIO, o/o the EE(WRD), Deomali Division, District : Tirap, Arunachal Pradesh as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 07.09.2024.

A) Particular of information:

(i) C/o CC Pavement road at Sun-Sah Colony, Deomali-2022-23
(ii) C/o additional class rooms at Mahabodhi, Deomali.2022-23.
(iii) C/o Market Complex of Deomali weekly market, Tirap District.

B) Details of information required:

1. (a) Furnish the certified copy of NIT published in newspapers against the issued/sanctioned orders and the bidders participated with tender document against all the works mentioned above in SL 2 (b) sub-clause (i) to (iii).
2. Furnish the certified copies of work orders, supply orders, executing agency and LoA. issued to the contractors/suppliers against all the works mentioned above in Si 2 (b) sub-clause 6) to. (iii).
3. Furnish the certified copy of comparative statement chart and measurement book against ail the works mentioned above in SL 2 (b) sub-clause (i) to (iti). _
4. Furnish the certified copies of GPS Coordinate number & Geo Tagged details of before and after against all the works mentioned above in SL 2 (b) sub-clause (i) to (iii) wherever applicable,
5. Furnish the certified copies of GST paid clearance certificate, ITR filled of successful bidders and copy of E-Way Bill of the Firms (Suppliers/Contractors) against the materials supplied vide your issued work orders, supply orders and LOA against all the works mentioned above in SL 2(b) sub-clause (i) to (iii). (Specify name wise and quantity of the materials in GST paid Clearance certificates of the firms which were mentioned in issued work Orders / Supply - Orders / LOA paid by Firms / Contractors / Suppliers to the GST Department).

6. Certified copy of EMD, Contractor enlistment certificate, annual turnover certificate, bank solvency certificates, which had been submitted by the successful firms/ contractors/suppliers against all the works mentioned above in SL 2 (b) sub-clause (i) to (iii).
7. Furnish certified copy of work site verification report against all the above mentioned works by the officers, their signature, designation & address in SL 2 (b) sub-clause (i) to (iii).
8. Furnish the certified copy of technical bid of successful participants of all the above mentioned works in SL 2 (b) sub-clause (i) to (iii).
9. Furnish the certified copies of Treasury Challan Voucher and Cash book statement along with the amount withdrawn in the name of Executive Engineer & Assistant Engineer and their accountability for all the works mentioned above in SL 2 (b) sub-clause (i) to (iii).
10. Furnish the certified copies of Letter of credit (LOC) and their utilization/completion certificates/handing over report against all the works mentioned above in SL 2 (b) sub-clause (i) to (iii).
11. Furnish the certified copies of Govt. Cheque's counter folios, and details of Mode of Payment(Cheque no. Demand Draft No., RTGS/NEFT etc.), paid to the firms/contractors/suppliers against each of all the works mentioned above in SL 2 (b) sub-clause (i) to (iii).
12. Furnish the certified copies Stock register/BOQ/RABs/TS against all the works mentioned above in SL 2 (b) sub-clause (i) to (iii).
13. Certified copy of AE&ES against all the works mentioned above in SL 2 (b) sub-clause (i) to (iii)

C) Period for which information asked for :2022-23.

Brief facts emerging from the appeal:

Records emerging from the appeal disclose that the Appellant, Shri Ratan Chetia had requested the PIO for the aforementioned information / documents but failed to obtain the same which prompted him to appeal before the Chief Engineer (Water Resource Department), E/Z, Miao, Govt. of Arunachal Pradesh, the First Appellate Authority (FAA) under Section 19 (1) of RTI Act, 2005 vide his Memo of Appeal dt. 22.11.2024.

The First Appellate Authority (FAA) conducted hearing on 18th December, 2024 wherein both the PIO-cum-EE (WRD), Deomali Division and the appellant Shri Ratan Chetia were present in person , and passed the following order:

"Both the PIO and appellant were given equal and fair opportunities in the interest of natural justice. Upon hearing both the PIO and appellant and on scrutiny of Form-A, it is observed that the information sought in Form-A on 1) C/O CC Pavement road at Sun-Sah Colony, Deomali-2022-23, 2) C/O Additional class rooms at Mahabodhi, Deomali-2022-23 and 3) C/O Market Complex of Deomali weekly market, Tirap District for the financial year 20222-23 for which the information sought in one go are of voluminous in nature diverting the resources of the public authority.

In the instant case, more than 75% of the staff would be required in collecting the information and furnishing documents spending more than 75% of their time. Section 7(9) of RTI Act, 2005 reads as 'information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question". Invoking the section 7(9} and section 6(1) of RTI Act'2005, the PIO is directed to furnish for one scheme for C/O Market Complex of Deomali weekly market, Tirap District within a period of 30 days from the date of tissue of order.

Henceforth, this case is disposed of from this end today for necessary compliance of respondent and appellant. If the appellant is not satisfied with the decision, he has the liberty to appeal the RTI Commission, Itanagar ".

Sd/-
(Er Tokbom Lego)
First Appellate Authority
Water Resource Department, E/Z, Miao."

The appellant, apparently, failed to obtain the information and therefore, he preferred 2nd appeal before this Commission under section 19(3) of the RTI Act. 2005 vide his Memo of Appeal dt. 10.02.2025 on the ground that though the FAA directed to furnish the sought for information, the PIO is not furnishing the information till date.

Hearing and decision:

This appeal is, accordingly, listed and heard today on 16th May, 2025 wherein the Appellant Shri Ratan Chetia appeared through VC and Er. Shri Geyum Tayeng, AE-cum-APIO appeared in person for the PIO.

Heard both the parties.

The APIO, while reiterating the contention of the PIO that the information sought for by the appellant against 3(three) different schemes are voluminous, submitted that the o/o the PIO was ready to provide the information for one scheme for C/O Market Complex of Deomali weekly market as directed by the FAA in its order dt.18.12.2024 but the appellant did not turn up to collect the documents. The appellant on the hand submitted that as against his request for information in respect of 3(three) schemes, the FAA had had directed for furnishing information in respect of only one scheme. Therefore, being aggrieved with the decision of the FAA, he had preferred appeal before this Commission for an appropriate direction to the PIO to furnish the requested information against all three schemes.

This Commission, upon hearing the parties and on perusal of the details of information requested by the appellant in his RTI application dt.07.09.2024, noticed that the information sought for are, indeed, voluminous one the collation and preparation of which will take considerable time. This Commission is, therefore, inclined to endorse the reasoning recorded in his aforesaid FAA's order that "*more than 75% of the staff would be required in collecting the information and furnishing documents spending more than 75% of their time.*"

This Commission, however, holds that this appeal needs to be resolved by harmonizing the cherished rights of the appellant under the RTI Act on the one hand and the smooth and efficient functioning of the o/o the PIO on the other and as such the PIO is directed to furnish the documents /information to the appellant in respect of one scheme namely, c/o Market Complex of Deomali weekly market in the 1st instance within one month from today and thereafter shall provide the information in respect of remaining 2(two) schemes within 2(two) months for which no separate application need be submitted to the PIO.

The appellant is also directed to visit the o/o the PIO and collect the documents/information personally and if need be, may inspect the those documents which are voluminous in nature and intimate this Commission of his satisfaction or otherwise therewith within one week from the date of receipt of the documents against all three schemes failing which this appeal shall be closed without further notice.

Given under my hand and seal of this Commission on this 16th of May, 2025.

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

Memo No. APIC- 113/2025 /5587 **Dated Itanagar, the** 19th **May, 2025**

Copy to:

1. The Chef Engineer (WRD), Govt. of A.P, Eastern Zone, Miao, Changlang District, the First Appellate Authority for information and ensuring compliance by the PIO concerned.
2. The PIO, o/o the EE, WRD, Deomali Division, District Tirap, Arunachal Pradesh, 792129 for information and compliance.
3. Shri Ratan Chetia, Village-Sitapani Moran, Po/PS- Mahadevpur, Namsai District, Arunachal Pradesh PIN: 792103 E-mail ratanchetia132310 @gmail.com Mobile No. 7063965456 for information.
4. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
5. Office copy.
6. S/Copy.

Pranjit Ghosh

Registrar/ Deputy Registrar
APIC, Itanagar

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar