



सूचना का
अधिकार
RIGHT TO
INFORMATION

ARUNACHAL PRADESH INFORMATION COMMISSION (APIC)
ITANAGAR

File No. APIC-No.1121/2023(Appeal)

Shri KL Nayam

C/o Adv. Nayam & Associate
Itafort Shopping Complex Itanagar
PO:PS Itanagar Papumpare District A.P
Pin: 791111.
(M) 8732895581/9436439269.

Appellant

Versus

PIO,

**Executive Engineer PHE & WS
Division Hawaii**

Anjaw District Govt. of AP. Pin: 792104.

Respondents

FAA,

**Chief Engineer (EZ) PHE & WS
Deptt. Itanagar**

Papumpare District Govt. of AP.
Pin: 791111.

Date of Hearing: 23.09.2024

Date of Decision: 23.09.2024

INFORMATION COMMISSIONER : Dani Gamboo

Relevant facts emerging from appeal:

RTI application filed on	:	23.09.2023
SPIO replied on	:	Not on record
First appeal filed on	:	31.10.2023
First Appellate Authority's Order	:	Not on record
Second Appeal filed on	:	30.11.2023

Information sought:

The appellant filed an RTI application dated 23.09.2023 seeking following information.

I. Detail Information Regarding National Rural Drinking water Program NRDWP for financial years 2017-18 to 2019-20.

1. Certified copy of Annual Action Plan/Annual Operation Plan.
2. List of work/projects sanctioned with certified copy of sanction order.
3. If tender is floated against the projects /scheme under NRDWP, then details of tender with certified copy of NIT, Tender agreement, work order etc.
4. List of completed work.
5. List of ongoing scheme.
6. Detail projects report (DPR) of all the scheme projects /scheme.
7. Details of payment made against the sanctioned work/Projects under said Division (Certified copy of bill of payment, counter foil of Cheque, PFMS/PPA, Bank Draft, and Hand receive etc.)
8. Details of supply work of pipes, fitting, concrete etc. against all the scheme/project under said Division with following particular details:

- (i) A certified copy of sanctioned Order,*
- (ii) A certified copy of Work order/Tender,*
- (iii) Certified copy of payment of bill viz, Cheque, PFMS/PPA, Bank Draft, Hand Receipt etc.*
- (iv) Certified copy of stock Register,*
- (v) Photograph of Material stock.*

9. Photographs of projects completed or ongoing.

10. Details of Over Head Expenses.

11. Certified copy of Case Book.

12. List of Project/Scheme subsumed to JJM.

13. Detail with certified of guidelines and Schedule of Rates (SoR) for implantation project under the said scheme.

14. Is there any other any rules or guideline other than the Schedule of Rates Prescribed by the State Government to determine the rates of various components of the project under the scheme? If yes, please provide me details of that particular.

I. Details information on Jal Jivan Mission (JMM) for the financial year 2019-20, 2020- 2021 and 2021-2023.

1. Certified copy of Annual Action Plan/Annual Operation Plan.

2. List of Work/Projects sanctioned with certified copy of sanctioned order.
 3. If tender is floated against the Projects/Scheme under Jal Jeevan Mission then details of tender with certified copy of NIT, Tender Agreement Work Order etc.
 4. List of ongoing/Completed projects.
 5. Detail of Utilization of Funds with Certified copy of Utilization Certificates.
 6. Certified copy of Detail Projects Report (DPR) of all the Project Sanctioned (Completed/Ongoing) under said Division.
 7. Details of payment made against the sanctioned work under said Division (Certified copy of bill of payment, counter foil of Cheque), PFMS/PPA, Bank Draft, hand receive etc.)
 8. Details of supply work of pipes, fitting, concrete etc. against all the scheme/project under said Division with following particular details:
 - (i) A certified copy of sanctioned Order,
 - (ii) A certified copy of Work order/Tender,
 - (iii) Certified copy of payment of bill viz, Cheque, PFMS/PPA, Bank Draft, Hand receipt etc.
 - (iv) Certified copy of stock Register,
 - (v) Photograph of Material stock.
 9. Photographs of projects completed or ongoing.
 10. Details of Over Head Expenses.
 11. Certified copy of Case Book.
 12. List of Project/Scheme subsumed to JJM.
 13. Detail with certified of guidelines and Schedule of Rates (SoR) for implantation project under the said scheme.
 14. Details information on guidelines/order/for component wise payment and execution of work/projects for in-village pipes water supply infrastructure and Development of water sources and Augmentations.
- II. Please furnish following Details information regarding Jal Jeevan Mission (JJM) UNDER 14" and 15" Finance Commission 2015-16 to 2022-23.
1. Details of total fund received with certified copy of sanction order or fund release etc.
 2. Details with certified copy of fund allocation and utilization against the said fund.

3. Certified copy of sanction order/work order against various work sanctioned or work allocated.
4. Certified copy of photographs of work completed/ongoing.
5. List of beneficiaries.
6. Details of supply work component under the scheme Viz: Certified copy of work order/under said Division (Certified copy of bill of payment, counter foil of Cheque), PFMS/PPA, Bank Draft, hand receive etc.), tender agreement, certified copy of Stock register etc.

III. List of Public Water Supply Scheme/Source Augmentation and Improvement Water supply under SADA for the financial year of 2017 to 2020 (Head wise).

IV. Certified copy of monthly work Account for the month of March 2017, to August 2022.

V. Certified copy of list of payment for the month of August 2017 to March 2022.

Relevant facts emerged during hearing:

The following were present.

Appellant	:	Represented by Shri Tado Siga.
Respondent PIO	:	Present
FAA	:	Absent

Statement of Appellant : Representative of the appellant states that no information is furnished to him by PIO and the FAA has not heard the first appeal filed to him.

Statement of PIO : PIO has brought the information to the court addressed to commission.
While interjected the PIO has decided to hand over the information to the appellant.

Statement of FAA : FAA filed a written submission vide letter no. PHED/EZ/32/21/236 Dated 29th August 2024, and intimates that he has directed PIO to furnish the information sought.

It is without formal hearing and disposal of first appeal file to him.

Decision:

The Commission after adverting to the facts and circumstances of the case, hearing the parties and perusal of the records, observes that FAA has not disposed

of the first appeal filed to him by following statutory procedure laid down in Arunachal Pradesh Right to Information (Appeal Procedure) Rules, 2005

As laid down at para-38 of the Guidelines for the FAA issued by the GoI and the State Govt. OM No. AR-111/2008 Dated 21st August, 2008,. adjudication on the appeals under RTI Act is a quasi-judicial function. It is, therefore, necessary that the Appellate Authority should see to it that the justice is not only done but it should also appear to have been done. In order to do so, the order passed by the appellate authority should be a speaking order giving justification for the decision arrived at.

The instant appeal case is remanded to First Appellate Authority. Therefore, the FAA - **Chief Engineer (EZ) PHE & WS Deptt. Itanagar**, following the principle of natural justice, shall conduct hearing giving fair and equal opportunity to both the appellant and the PIO. Thereafter pass reasoned and speaking order on merit within two weeks from the date of receipt of this order. Liberty is given for filing second appeal afresh if the appellant is not satisfied with the decision of the FAA / the PIO has not implemented the order. In such case the fee for second appeal afresh is exempted.

The appeal is disposed of accordingly at Commission.

**Sd/-
Dani Gamboo
Information Commissioner**

Authenticated true copy

Registrar / Dy. Registrar

Date:

Memo No. APIC-1121/2023/ 347

Dated Itanagar the 26 Sept, 2024.

Copy to:

1. The Computer Programmer, APIC Itanagar with request to upload in APIC website and mail to concerned departmental email id.
2. Office copy.

Registrar / Dy. Registrar
APIC Itanagar