



ARUNACHAL PRADESH INFORMATION COMMISSION

ITANAGAR.

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

Case No. APIC-363 /2024.

(Summon to appear in person)

(Or.5, R.3 of CPC)

APPELLANT : Shri Shoney Pertin, PO/PS Pasighat, East Siang District (A.P)

RESPONDENT : The PIO, o/o the Executive Engineer, Pasighat Smart City Development Corporation Ltd., Pasighat, East Siang District (A.P).

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Shoney Pertin for non-furnishing of below mentioned information by the PIO, o/o the Executive Engineer Pasighat Smart City Development Corporation Ltd. PO/PS: Pasighat, East Siang District Arunachal Pradesh as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 31.07.2024

1. Particular of information: *Integrated Rehabilitation Center for Substance Abuse under Pasighat smart City Mission*

2. Details of information:

- (i) Certified copy of approval of DPR and sanction order.
- (ii) Certified copy of agreement copy with design & drawing.
- (iii) Names of the officers who inspected the work .
- (iv) Certified copy of payment details of PFMS to till date.
- (v) Certified copy of Geo Tag colour scanning copy before & after construction.

2. Period for which information is required : 2022 – till date.

This Commission, on 12.02.2025, heard this appeal along with 2(two) other appeals from the Appellant and passed the following orders:

“This Commission observes that the appellant herein had filed all together following 5(five) appeals before this Commission on 5(five) different subjects:

1. APIC-362/2024 {c/o Smart Roads (Phase I & II) and storm waste gate (Phase-I) under Pasighat Smart City Mission with Operation & Maint (O&M)for five years}
2. APIC-361/2024 {Construction of Recreation center (Indoor game set)}
3. APIC-360/2024 (Market area upgradation Phase-I)
4. APIC-363/2024 (Integrated Rehabilitation Center for Substance abuse under Pasighat smart City Mission) and
5. APIC-364/2024 {Sewage system and Sewage system plant, Engineering, Procurement and construction (EPC) contract mode at Pasighat on Design, Build, Operate and Transfer (DBOT) basis with operation and maintenance (O&M)}.

This Commission heard the 3(three) appeals namely, APIC-360/24 (Sl.No.3), APIC-361/24(Sl.No.2) and APIC-362/24 (Sl.No.1) on 7th February. During the course of hearing of the 3 appeals, the appellant through VC submitted that he had received the information he had sought against the Sl. No. 1 above (c/o Smart Roads and storm waste gate (Phase-I) under Pasighat Smart City Mission with operation & Maintenance (O&M) for five years. As such, the appeal No. APIC-362/2024 has since been closed vide order dt.07.02.2024.

However, hearing on other 2 appeals, APIC-360/24 and APIC-361/24 have been adjourned to 19 the March, 2025 with direction to the PIO concerned to be present in person in the hearing and produce the copies of relevant supreme Court and High Court orders/rulings to defend his action on the subjects for perusal of this Commission. This Commission further observed that the FAA had passed the same order in the matter of 2(two) other appeals before him on the subjects, namely, Market area upgradation Phase-I and Construction of Recreation center (Indoor game set).

The remaining two appeals at Sl.No.4 &5 namely, APIC-363/2024 (Integrated Rehabilitation Center for Substance Abuse under Pasighat Smart City Mission) and APIC-364/2024 {Sewage System and Sewage System Plant, Engineering, Procurement and Construction (EPC) mode at Pasighat on Design, Build, Operate and Transfer (DBOT) basis with operation and maintenance (O&M)} were listed for hearing on 12.02.2024 wherein both the parties, the appellant Shri Shoney Pertin and Adv. Shri Topoborwell Marngar, the Ld. Counsel for the PIO present through VC.

Heard both the parties. The appellant submitted that when the PIO had provided the copy of agreement as sought for by him in respect of other project, the PIO should not have any reason to deny such documents pertaining to other projects. The Ld. Counsel for the PIO, however, responded by saying that as most of the information sought for by the appellant are similar to those in the Appeals, the hearing on which have been adjourned to 19.03.2025, the instant 2 appeals, APIC-363/2024 and APIC-364/2024 may be heard with the said 2 appeals, APIC-360/24 and APIC-361/24 on 19.03.2025.

This Commission, upon hearing the parties and considering the fact that the FAA appears to have passed the same order in all the 4 (four) appeals wherein the appellant and respondent are also same, deems it appropriate to hear the instant 2 appeals with the other 2 appeals on 19.03.2025 and hence, the hearing of instant appeal No. APIC-363/2024 and other appeal No. APIC-364/2024 are adjourned to 19.03.2025 to be heard along with the other 2 appeals, APIC-360/24 and APIC-361/24.”

As decided vide its order dt.12.02.2025, the 4(four) appeals viz, APIC-363/2024, APIC-364/2024, APIC-360/24 and APIC-361/24 were listed and heard on **19.03.2025** wherein the Appellant, Shri Shoney Pertin and Adv. T. Marngar, Learned Counsel for the PIO, o/o the E.E Pasighat Smart City Development Corporation Ltd., Pasighat East Siang District (A.P) were present in person.

This Commission, in appeal No.APIC-360/2024, had passed the following order:
“This Commission is, however, not inclined to accept the submission of the Ld. Counsel for the following reasons:

- (a) *That the CIC decision dt. 29.11.2022 in CIC/PGCIL/A/2022/106036 (Liyit Panor Vs CPIO, P.G.C.I Ltd.) is in respect of a draft DPR which was yet to be finalized and approved by the competent authority while in the case on hand, the DPR is already finalized one as per which the execution of project in question had commenced and admittedly, the project is already complete and awaiting inauguration;*
- (b) *That the CIC decision dt.01.09.2016 in CIC/SS/A/2014/000197, (198) & (212)-YA (Bharat Jhunjhunwala Vs. Central Electricity Authority) exempting the disclosure of the DPR under section 8(1)(e) is based on existence of fiduciary relationship between the Public Authority and the third parties by operation of law namely, the Central Electricity Authority (Furnishing of Statistics, Returns and Information) Regulation, 2007 while in the instant case no such relationship has been shown/claimed.*

In the premises above, this Commission directs the PIO to furnish the copy of DPR with the copies of drawing and design to the appellant as were furnished in respect of other projects. The PIO is also directed to provide the copy of agreement between the Pasighat Smart City Development Corporation Ltd. and the contractors minus the portion on 'Non-disclosure Clause', if any, contained in the agreement.

The PIO shall comply with the above direction and report thereof compliance thereof to this Commission within 4(four) weeks from the date of receipt of this order. The appellant shall also intimate his acknowledgement of the receipt of the documents within the said period failing which the appeal shall be closed presuming that he had received the sought for information."

This Commission also took up another appeal No. APIC-364/2024 along with this appeal No. APIC-363/2024 and heard the parties and considering the fact that in appeal No.APIC-360/2024 also similar documents such as the copies of DPR, Agreement and Drawing and Designs were requested by the appellant, this Commission is inclined to pass the same order in these 2(two) appeals also which it accordingly, does and as directed in that appeal, the PIO shall comply with the said direction and report compliance thereof within 4(four) weeks.

Given under my hand and seal of this Commission on this 19th March, 2025.

Sd/-

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

Memo No. APIC- 363/2024/490 Dated Itanagar, the 21 March, 2025

Copy to:

1. The First Appellate Authority (FAA), the Chief Executive Officer, Pasighat Smart City Development Corporation Ltd., Pasighat, East Siang District Arunachal Pradesh for information and ensuring compliance by the PIO.
2. The PIO, o/o The Executive Engineer Pasighat Smart City Development Corporation Ltd., Pasighat, East Siang District (A.P) PIN: 791102 for information and compliance.
3. Shri Shoney Pertin PO/PS Pasighat, East Siang District Arunachal Pradesh PIN: 791102 Mobile No. 8974216125 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

Registrar
Arunachal Pradesh Information Commission
Itanagar