



ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Case No. APIC-23/2025.

APPELLANT : Shri Tamchi Gungte, Near KV-II School Chimpu.

RESPONDENT : 1) The PIO, o/o the Executive Engineer (PHE & WS),
Likabali Division, Lower Siang (A.P).
2) The PIO, o/o the Executive Engineer (PHE & WS),
Pasighat Division, East Siang (A.P).

ORDER

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, PHE & WS, Likabali Division, District Lower Siang (A.P) as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 08.08.2024.

A) Particular of information: The total list of project sanctioned under Pradhan Mantri Jan vikas Karyakaram (PMJKV), erstwhile-MsDP Scheme, Ministry of Minority Affairs Govt. of India during the Financial year of 2019-20.

B) Details of information required:

1. Certified Sanction Order copy of the total list of project mentioned above;
2. Certified DPR copy of the projects mentioned above;
3. Certified copy of utilization certificate;
4. Certified copy of Notice Inviting Tender (NIT) with respect to the subject mentioned above;
5. Certified copy of newspaper in which NIT was published (At least 3 news paper name (one national & 2 Local) along with date of publication of news paper;
6. Tender Evaluation copy along with the list of Firms participated in the tender processed for the work;
7. Name of firm who won the tender work;
8. Certified copy on which date the project has been started;
9. Certified copy of completion certificate;
10. Certified payment details made through PFMS under DBT only;
11. The Geo Coordination information for the work mentioned above ;
12. Certified photograph of worksite (glossy paper) before starting of work and after completion of work;
13. Name of Officers and their designation at the time of monitoring the work.
14. Certified full agreement copy made in between the executing agency and the firm owner;

- 15 Certified copy of Contractor Registration, trading licence, GST No., GST Return 3 B filled for previous tax period and
- 16 Certified copy of contractor enlistment update reports of tender winning firm.

This appeal is listed and heard for the 2nd time today on 23.05.2025, the 1st time being on 9th April, 2025 wherein the Appellant, Shri Tamchi Gungte was present in person and the PIO, Er. Shri Binga Gara, E.E (PHE & WS), Likabali Division attended the hearing through VC.

This Commission on 09.04.2025, upon hearing the parties and on perusal of the documents furnished by the PIO so far and the copy of correspondences made by the PIO with the EE, Pasighat Division, had directed the appellant to go to the o/o the PIO at Likabali and collect the documents within two days from 09.04.25 and to intimate this Commission of his satisfaction or otherwise therewith within one week thereafter for further consideration of the appeal.

In compliance with the order of this Commission, the appellant, vide his representation dt.16.04.2025, intimated that he had visited the o/o the PIO at Likabali and collected the documents but the documents were found to be incomplete/ or not furnished as per his application as shown under:

1. Serial No.3(UC) and Sl.10(payment details through PFMS): **The information is incomplete as per the sanction amount.**
2. Serial No.4(NIT), Sl.No.5(N/Papers on NIT), Sl.No.6(Tender evaluation), Sl.No.7(Name of successful firm), Sl.No.8(date of start of project) and Sl.No.9(completion certificate), Sl.No.12 (photograph of worksite before and after completion), Sl.No.14(Agreement between the executing agency and the firm), Sl. No 15(contractors registration, Trading License etc.) and Sl.16(contractor enlistment) : **Not furnished.**

In view of the complaint of the appellant as above, this appeal was listed for 2nd time today on 23.05.2025 wherein both the appellant and the PIO, Er. Shri Binga Gara, EE(PHE & WS), Likabali Division were present in person.

Heard the parties.

The PIO has produced a copy of letter dt.22.05.2025 addressed to the appellant enclosing therein the point-wise remarks / statement against the details of information / documents sought by the appellant and reiterated the statement made therein.

He submitted that the projects against which the information has been sought were started in the year 2019-2020 by the o/o the EE, Pasighat Division before the bifurcation of the Lower Siang District from the East Siang District and therefore, most of the requested documents/information are not available with the o/o the EE, Likabali Division. Such documents will have to be obtained from the o/o the EE, Pasighat Division and the o/o the ADC, Nari. For instance, the final bills against the expenditure incurred during 2017-18 (Rs.60.00 lakh), 2020-21 (Rs.24.00 lakh and 2024-25 (Rs.51.00 lakh) on c/o Augmentation and realignment of water supply system of ADC HQ, Nari in Ramle Bango Block of East Siang Distt. and MLALAD Fund 2019-20020 (Rs.15.00 lakh) were passed by the o/o the

ADC, Nari and as such the UC is not available with the EE, Likabali Division. Similarly, the sanction order and UC against expenditure during 2017-18(Rs.48.00 lakh), 2020-21 (Rs.19.20 lakh & Rs.12.00 lakh) and 2022-23 (Rs.28.80lakh) on c/o Multipurpose Cultural Hall at Nari in Ramle Bango Block are not available with the o/o the E.E, Likabali Division as the work was executed by the EE, Pasighat Division.

As regards NIT(Sl.No.4), the PIO submitted that no NIT was floated by the EE, Pasighat Division against both the schemes and therefore, the question of publishing the same in the News Paper, it's evaluation, the name of the firm winning the tender work, Agreement copy etc. (Sl. Nos.5,6, 7, 14) does not arise.

As regards completion certificate (Sl.No.9), the PIO has furnished the certificate dt. 21.02.2025 issued by the ADC, Nari. The PIO also furnished 6(six) Nos of certified copies of PPA PFMS. However, as against expenditure of Rs.60.00lakh and Rs.48.00 lakh ((1st instalments of Scheme No.1 and No.2 respectively), the PIO submitted that there is no record of the PFMS payment as the bills were submitted by the o/o the EE, Pasighat Division and the competent authority to furnish the documents is the DPO, East Siang District Pasighat.

The PIO also submitted that the date of start of project (Sl.No.8), photograph of the worksite before start (Sl.No.12), contractor registration certificate, Trading Lisence (Sl. No 15) and contractor enlistment certificate (Sl.16) are not available with the Likabali Division as the execution of the schemes were started by the o/o the EE, Pasighat Division.

The PIO also produced a copy of his letter dt.11.09.2024 to the o/o the EE-cum-PIO, PHE & WS, Pasighat Division requesting to furnish the documents which are not available in his office (EE, Likabali Division) and pleaded that the aforementioned documents not available with his Division may be directed to be furnished by the o/o the EE (PHE & WS), Pasighat Division.

This Commission, upon perusal of the written statement of the PIO and considering the factual position as obtaining in the case, deems it appropriate to refer to the provisions of sub-sections (4) and (5) of section 5 of the RTI Act, 2005 which is reproduced hereunder:

“5(1)....

(2).....

(3).....

(4) *The Central Public Information or State Public Information Officer, as the case may be, may seek the assistance of any officer as he or she considers it necessary for the proper discharge of his or her duties.*

(5) *Any officer, whose assistance has been sought under sub-section (4), shall render all assistance to the Central Public Information Officer or State Public Information Officer, as the case may be, seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Central Public Information Officer or State Public Information Officer, as the case may be.”*

The implication of the provisions of the above sub-sections is that on being requested by the PIO for the assistance of an officer for providing the documents requested by an RTI applicant, the said officer is bound to provide the requested documents/information and in the event of failure to provide the documents/information, such officer can be proceeded against as a PIO.

In the instant case the PIO, office of the EE, Pasighat Division and the DPO, East Siang District, having been requested by the PIO, EE Likabali Division, are directed to furnish the requested information which they respectively hold as aforementioned to the appellant within a period of 1(one) month from the date of receipt of this order. The appellant shall, within 1(one) week thereafter, intimate this commission of the receipt of the left out documents/information failing which this appeal shall stand disposed off and closed without further notice.

Given under my hand and seal of this commission on this 23rd May 2025.

Sd/-

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

Memo No. APIC- 23/2025

Dated Itanagar, the 27 May, 2025

Copy to:

1. The Superintending Engineer, PHE & WS, Bene Circle, Aalo, West Siang District Govt. of A.P, the First Appellate Authority (FAA), for information and ensuring compliance by the PIO, o/o the Executive Engineer, PHE & WS, Pasighat Division
2. The PIO, o/o the Executive Engineer, PHE & WS, Pasighat Division, East Siang District for information and compliance.
3. The PIO, o/o the Executive Engineer, PHE & WS, Likabali Division, Lower Siang District for information and compliance.
4. The DPO, East Siang District, Pasighat, for information and compliance.
5. The Dy. Commissioner, Govt. of A.P, East Siang District, Pasighat for information and compliance of the order by the DPO.
6. Shri Tamchi Gungte, Near KV-II School Chimpu, PO/PS Chimpu, Dist: Papum Pare (A.P) 791113 Mobile No. 9233567279 for information.
7. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
8. Office copy.

Registrar/ Deputy Registrar
APIC, Itanagar
Deputy Registrar
Arunachal Pradesh Information Commission
Manager