



ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Case No. APIC-44/2025.

APPELLANT : Shri Godak Tama, Niti Vihar, PO Itanagar

RESPONDENT : The PIO, o/o the Chief Engineer, (CSQ),
PWD, Itanagar.

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Godak Tama for non-furnishing of below mentioned information by the PIO, o/o the Chief Engineer (CSQ) PWD, Itanagar as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 13.09.2024.

A) Particular of information: M/s SHA Enterprise.

B) Details of information required: All document including

- (1) work order and
- (2) work experience certificate
- (3) completion certificate of M/s SHA Enterprise.

Facts emerging from the appeal:

Records as revealed from the appeal are that the appellant herein had filed RTI application before the respondent PIO seeking documents pertaining to the firm, M/S SHA Enterprises, Doimukh but the PIO-cum-Superintending Engineer (CSQ) o/o the CE (CSQ), PWD, Govt. of A.P, Itanagar, vide his letter dt.22.10.2025 refused to provide the same on the ground that the third party, M/s SHA Enterprise did not consent for sharing their documents. Aggrieved by the decision of the PIO, the appellant approached the First Appellate Authority (FAA), the CE (CSQ) vide Memo of Appeal dt.23.10.2024.

Records further disclose that the FAA had made an attempt to hear and consider the appeal by listing the appeal on 30.10.2024 for hearing. But no record has been made available in the appeal of the actual hearing and the decision, if any, by the FAA. However, the appellant apparently having failed to obtain the sought for information/documents, filed his 2nd appeal before this Commission under section 19(3) of the RTI Act, 2005 vide Memo dt.09.01.2025 which has been registered as APIC-44/2025.

Hearing and decision:

The appeal was, accordingly, listed and heard for two times on 25.04.2025 and 23.05.2025. On 25.04.25, the appellant Shri Godak Tama was present in person and Er. Shri Y.P.Singh(JE), the APIO, o/o the CE (CSQ) attended through VC. Today both the APIO, Shri Y.P.Singh and the appellant Shri Godak Tama(accompanied by a Counsel, Shri Kie Riba) are present.

In the proceedings on 25.04.2025, the APIO, reiterating the replies already furnished to the appellant by the PIO, submitted that the documents sought for by the appellant can not be provided to him as the documents belong to a third party who had refused to share his documents to a third person. The appellant, on the other hand, contested by saying that there is larger public interest involved in disclosing the sought for information and therefore, can be furnished. The provisions of clause (e) of section 8(1) of the RTI Act, 2005 provides as under:

“ 8(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,-

(e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information.”

As the information(s) sought for belong to the firm, M/s SHA Enterprise, the PIO had, apparently, resorted to the provisions of section 11 of the RTI Act and since the said third party refused to share the documents, the information were denied to the appellant.

As per section 11 of the Act, if the requested information or record or part thereof has been supplied by a third party and has been treated as confidential by that third party, then the PIO has to give notice to such third party of the request inviting the third party to inform of its willingness or otherwise as to the disclosure of the requested information.

Further, clause (j) of the section 8(1) of the RTI Act, 2005 provides as under:

“ 8(1),-

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information officer or the State Public Information Officer or the Appellate Authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information.

Provided that the information..... ”.

The implication of the provisions of law as above, shortly put, is that if the disclosure of a personal information has no relationship to any public interest or activity but such disclosure would cause unwarranted invasion of the privacy of an individual, such a personal information can not be furnished. On the other hand, if the PIO or the appellate Authority is satisfied that *a larger public interest justifies* the disclosure of such personal information, then such information can be furnished even if the disclosure would cause unwarranted invasion of the privacy of the individual.

This Commission, therefore, held, in the interim, that the response of the PIO is in congruity with the provisions of section 8 (1)(e) and (j) of the RTI Act, and as such no order directing the PIO to furnish the requested information could be issued *unless the appellant comes up in next hearing* with a categorical and favourable judicial precedence (Apex Court or any High Court), if any, for disclosure of such information in similar case(s). The final hearing of this appeal was, thus, adjourned to 23rd May, 2025.

This appeal was, accordingly, heard on 23.05.2025.

Heard the parties.

The respondent APIO reiterated that since the requested documents /information belong to third party, the third party consent was sought vide PIO's letter dt.15.10.2024 as per the provisions of section 11 of the RTI Act whereby the concerned third party, vide its letter dt.22.10.2024, denied disclosing its personal information, the documents were not furnished to the appellant. The appellant, assisted by his Counsel, on the other hand, submitted through a written statement whereby it has been reiterated that the documents sought for pertain to a contractor firm engaged in public work, that since those documents pertain to public works executed by a private contractor on behalf of the public authority, they have a direct connection with the public activity and public interest and therefore that the disclosure of the requested documents are necessary to ensure transparency and to promote accountability in public procurement and contract execution.

As suggested by this Commission in its earlier interim order dt. 29.04.2025, the Ld.Counsel for the appellant produced the copy of judgement and order dt.03.04.2025 passed by the Hon'ble Madhya Pradesh High Court in WP(C) No39771-2024 (Dr. Jayshree Dubey Vs. the CIC and ors.) whereby the Hon'ble High Court had quashed the CIC's order dt.24.06.2024 by which the CIC had refused the disclosure of certain information sought by the petitioner on the ground that information is hit by the provisions contained in section 8(1)(j) of the RTI Act. The Hon'ble High Court, while quashing the aforesaid CIC's order, held that order is contrary to the precedents of its own office and that it appears to be an attempt to shield unscrupulous and ineligible persons.

It is also submitted by the appellant that the third party, M/S SHA Enterprise was awarded work through a public procurement process and the execution of such work involves the use of taxpayer's money requiring transparency in award, progress and completion of such contract to ensure accountability. The appellant further submits that the requested documents relate to a business entity engaged in a contractual relationship with the Govt. which are created as part of official functioning and are disclosed routinely under the RTI Act in the interest of transparency.

It is pertinent to state here that in APIC Case No.59/2021 (**Shri Takar Goi & two Ors Vs. Er. Shri Rimar Tasso, PIO-cum-SE(CSQ), PWD, Govt. of A.P**) along with 11(eleven) appeals, the full Bench of this Commission, by its order dt. 08.03.2022, had directed the PIO to disclose the information sought by the appellant which was upheld by the Itanagar Permanent Bench of the Hon'ble Gauhati High Court vide order dt.09.09.2022 in **IA (C) 127(AP) 2022 in WP(C) No.149(AP) and order dt.29.09.2022 in WA-33/2022 (Y.P Enterprise & 5 Ors. Vs. A.P. State Information Commission and 4 Ors.)**.

This Commission, upon consideration of the submission made by the appellant and in the light of the aforementioned judgment of Hon'ble High Court of M.P and taking the precedence of aforementioned full Bench order of this Commission, directs the PIO to furnish the requested information to the appellant within by 2(two) weeks from the date of receipt of this order.

This appeal is disposed of and closed in above terms.

Given under my hand and seal of this Commission on this 26th may, 2025..

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

Memo No. APIC- 44/2025 / 50

Dated Itanagar, the 27 May, 2025

Copy to:

1. The Chief Engineer (CSQ), PWD, Govt. of A.P, Itanagar (A.P), the First Appellate Authority (FAA) for Information and ensuring compliance by the PIO.
2. The PIO, o/o the Chief Engineer, (CSQ), PWD Itanagar (A.P) for Information and compliance.
3. Shri Godak Tama, Niti Vihar, PO Itanagar PS Niti Vihar District Papum Pare (A.P) Mobile No. 9402433426 for information.
4. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
5. Office copy.
6. S/Copy.

P. Rajis
Registrar/ Deputy Registrar
APIC, Itanagar
Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar