



ARUNACHAL PRADESH INFORMATION COMMISSION (APIC)
ITANAGAR

File No. APIC-1166/2023(Appeal)

Shri Podo Jomoh

President Sl. Justice & Vigilance Forum
Nirjuli Village-I
PO: Nirjuli, Papumpare District A.P
Pin: 791109 (M) 8259809403.

Appellant

Versus

PIO,

**Executive Engineer (Part-I) IMC
Itanagar Municipal Corporation,**
Chimpu Itanagar, Papumpare District
Govt. of AP. Pin: 791113.

Respondents

FAA,

**Commissioner, Itanagar Municipal
Corporation, Chimpu**
Itanagar, Papumpare District
Govt. of AP. Pin: 791113

Date of Hearing: 26.09.2024

Date of Decision: 26.09.2024

INFORMATION COMMISSIONER : Dani Gamboo

Relevant facts emerging from appeal:

RTI application filed on : 04.10.2023
SPIO replied on : Not on record
First appeal filed on : 07.11.2023
First Appellate Authority's Order : Not on record
Second Appeal filed on : 11.12.2023

Information sought:

The appellant filed an RTI application dated 04.10.2023 seeking following information.

Regarding:-Particulars of Information -Sanitization activities 'to combat COVID-19 (Second Wave) Pandemic under Itanagar Capital Region (SH-Procurement of PPE kits, Sodium Hypo-Chloride, Sanitizer. Sanitizer dispensers, hiring of vehicles, fogging machines etc.

Details of Information required:-Furnish the certified true copy of following

1. Copy of concept paper/DPR submitted by IMC for approval.
2. Copy of the sanction order letter (i.e AA & ES) accorded by the state Govt./Finance Department for the said work.
3. Copy of approved detailed estimate submitted by IMC to state Govt. for sanctioning.
4. Copy of approved detailed estimate of Technical Sanction.
5. Copy of Technical Sanction order letter of aforesaid work.
6. Copy of approved draft NIT (Notice Inviting | tender) estimates.
7. Copy of Newspaper cutting.
8. Copy of order for formation of Board member for pre-bid meeting.
9. Copy of pre-bid meeting minutes with attendance sheet.
10. Copy of Board Order for opening of the Technical Bid.
11. Copy of minutes of meeting for Technical Bid Opening with attendance sheet.
12. Copy of contractor enlistment letter of those participants qualified for bidding.
13. Copy of convey letter/order of the authority for opening of financial bid.
14. Copy of Board Order for opening of the Financial Bid.
15. Copy of Minutes of the meeting for opening of the financial bid.
16. Copy of the attendance sheet of the financial bid opening.
17. Copy of comparatative statement of financial bid.
18. Copy of Letter of acceptance of bidder.
19. Copy of Letter of Awarding.
20. Copy of performance guarantee/bank guarantee submitted by the successful bidder along with forwarding letter.
21. Copy of Deed of Agreement between IMC and contractor.
22. Copy of total running bills paid to contractor with running bill/vouchers.
23. Copy of counterfoil of payment made to contractor (if paid through cheque) till date.
24. Copy of Print Pay Advice of payment made to contractor till date (if paid through PFMS).
25. Copy of pages of MB (Measurement Book) wherein pass order of bill payment till date.

26. If it is executed through work order then furnish the following.

- a. Copy of Govt. order permitting EE. IMC to execute work above Rs 50Lakhs through Work Order violating Arunachal Pradesh District Based Entrepreneurs and Professional (Incentive, Development Promotional) Act 2015.
- b. Copy of the order accorded by the state Govt/Finance department for execution of the said work through work order(If any).
- c. Copy of recommendation or D.O/U.O Notes submitted by elected Leader/authority for award of work to individual firm through work order (if any).
- d. Copy of all records of file noting amongst the Commissioner IMC/Corporation authority (Mayor/Deputy mayor)/EE and AE for seeking approval to execute the work through work order(It made any).
- e. Copy of all file noting records of the commissioner and Executive Engineer IMC seeking approval for release of payment to the contractor from IMC authority or state Govt to the contractor through work order (if made any).
- f. Copy of list and name the firm/contractor whom work has been awarded through work order.
- g. Copy of Work orders till date.
- h. Copy of FF (First & Final) Bills till date.
- i. Copy of counterfoil of payment made to contractor till date.
- j. Copy of PPA (Print Pay Advice) of payment made to contractor till date.
- k. List & name of Engineers engaged during the execution period of work.

Period: 2019 to 2023

Relevant facts emerged during hearing:

The following were present.

Appellant : Absent.
Respondent PIO : Absent.
FAA : Absent.

Statement of Appellant : Not available.
Statement of PIO : Not available.
Statement of FAA : Not available.

Decision:

The Commission after adverting to the facts and circumstances of the case, 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 the Arunachal Pradesh Right to Information (Appeal Procedure) Rules, 2005. So, this appeal case is decided and determined in the absence of the parties as made known to them in the hearing notice.

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 – **Commissioner, Itanagar Municipal Corporation, Chimpu**, 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 three weeks from the date of receipt of this order. Liberty is given to the appellant to file second appeal afresh if not satisfied with the decision of the FAA / or the PIO has not implemented the order. In such case the required fee for filing second appeal afresh shall be exempted.

The appeal is disposed of accordingly at Commission.

**Sd/-
Dani Gamboo
Information Commissioner**

Authenticated true copy

Registrar/Dy. Registrar

APIC

Date:

Memo No. APIC-1166/2023/ 359

Dated Itanagar the 30th 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

Deputy Registrar

Arunachal Pradesh Information Commission
Itanagar