

**ARUNACHAL PRADESH INFORMATION COMMISSION ITANAGAR**

**BEFORE THE HON'BLE COURT OF SHRI SANGYAL TSERING BAPPU, STATE  
INFORMATION COMMISSIONER**

No. APIC-393/2023

Dated, Itanagar the 15<sup>th</sup> May 2024.

**Under Section 19(3) RTI Act, 2005**

**Appellant**

**Respondent**

Shri Tai Tayu, President, (SUMA)  
C/o Tamchi Sima, RTI Chairman,  
SUMA, Khola Camp, Lower Bhalukpong,  
PO-Bhalukpong, West Kameng District, AP

VS

Er. Rimmar Taso PIO-cum-SE, CSQ  
O/o The CE(PWD)CSQ, AP Itanagar

**JUDGEMENT & ORDER**

Date of hearing: 15/05/2024

Date of Judgement and Order: 15/05/2024

This is an appeal under section 19 (3) of RTI Act, 2005 filed by **Shri Tai Tayu, President of (SUMA), C/o Tamchi Sima, RTI, Chairman, SUMA Khola Camp, Lower Bhalukpong, PO, Bhalukpong, West Kameng District, Arunachal Pradesh**, for non-furnishing of information(s) by **the PIO (SE, CSQ, O/o the Chief Engineer PWD, CSQ Govt. of AP, Itanagar)**, as sought for by the Appellant under section 6(1) in Form-A of RTI Act, 2005.

Facts of the case: The Appellant herein had requested the PIO (SE, CSQ, O/o the Chief Engineer PWD, CSQ, Govt. of AP, Itanagar), vide his application dated 08/02/2023 in Form-A for supply of the following information(s) as high-lighted in para (1) to (4) of Form-A as under:

1. The certified copies of entire note sheet & other annexure enclosed including Affidavits with Class-1 Contractor Registration application in respect of registration of M/s Agam Construction, Pasighat, East Siang District, (A.P) Pin code: 791102 as Class-1 contractor under Enlistment Rule 2008.
2. The certified copy of Class-1 registration certificate issued to M/S Agam Construction, Pasighat, East Siang District, (A.P).
3. The certified copies of Work Completion Certificate/Credential Certificate enclosed with Class-1 Contractor Registration application by M/S Agam Construction, Pasighat, East Siang District, (A.P) to obtain Class-1 Contractor Registration under Enlistment Rule 2008.
4. The information that during scrutiny and before issuing Class-1 registration certificate under Enlistment Rule 2008 to M/s Agam Construction, Pasighat, East Siang District, (A.P), concern authority O/o the Chief Engineer, PWD (CSQ) had cross-checked or not, the Work Completion Certificate/Credential Certificate submitted by M/s Agam Construction, Pasighat along with Class-1 Contractor Registration application.

Contd Page 2/-

The hearing of this appeal for the 4<sup>th</sup> time was fixed on 01/05/2024. However neither party turned up for the hearing. In the 3<sup>rd</sup> hearing on 25/01/2024 when both the parties were present, the PIO was directed to provide the information(s) regarding the discrepancy in regard to the name of the Firm as to whether the name is "M/s Agam Construction" or "M/s Agam Enterprise".

In response to the said direction of the Commission, the PIO (Superintendent Engineer CSQ O/o the Chief Engineer, CSQ, PWD Govt. of A.P, Itanagar), vide his letter dated 09/02/2024 addressed to then the State Information Commissioner, Shri G. Haider, forwarded the reply dated 07/02/2024 along with enclosures from Shri Bomnya Kamdak, the Counsel for M/s Agam Construction.

It is seen that the Counsel, vide, Para 5 of his aforesaid letter, admitted that the name of the Petitioner Firm, 'M/s Agam Construction' has indeed been inadvertently written as 'M/s Agam Enterprise' due to typographical error during filling of writ petition No.149/2022, writ appeal No. 33/2022 before the Honourable Gauhati High Court and SLP (Civil No. 32348/2022 (Y.P Enterprises & others Vs State of A.P & others) before the Hon'ble Supreme Court and assured that the mistake shall be rectified through legal procedure and that the pending case in the name of 'M/s Agam Enterprise' shall be treated as 'Agam Construction' till the mistake is rectified.

The said reply from the Counsel for Agam Construction has been taken on record and accordingly fixed the next date of hearing on 15/05/2024 for the 5<sup>th</sup> time when the PIO (SE, CSQ) attended the hearing but the Appellant Shri Tai Tayu did not attend the hearing due to pre-occupation as informed in his application dtd 14/05/2024.

During the hearing the PIO informed that the actual name of the Firm is infact, "M/s Agam Construction" in all the records available in their office and that as informed by the Counsel for the Firm, the name has been wrongly mentioned as 'M/s Agam Enterprise' in various writ petitions before the Hon'ble High Court and in the Hon'ble Supreme Court.

The submission of the PIO as above and the reply of the Firm have been considered by the Commission and the Commission deems it necessary to direct the PIO (SE, CSQ PWD, Govt. of A.P, Itanagar), to instruct the Firm concerned to get the rectification of the name of the Firm done through Legal procedure as assured by them within the period of 30 days from the date of issue/dispatch of this order and intimate the same to all stake holders including the Hon'ble High Court and the Hon'ble Supreme Court and this Commission as well.

In the meantime, the Commission received a letter dated 14/05/2024 from Shri Tai Tayu, the Appellant herein requesting for inspection of file noting of M/s Agam Construction's Class-1 Contractor Registration under APPWD Enlistment Rules 2008, the experience certificate and work Completion Certificate submitted by the Firm M/s Agam Construction for availing Class-1 Contractor Registration.

In this regard it is germane to state that since the request of the Appellant pertains to the disclosure of the same information(s) which matter had already been adjudicated and decided in favour of disclosure of the requested information(s) by the full Commission on 08/03/2022 in appeal No. APIC-59/2021 in the matter of Shri Takar Goi and two other Vs Shri Er. Rimmar Taso, PIO (SE, CSQ, PWD, Itanagar) along with 11 other appeals and which is now pending for final adjudication in the Honourable Supreme Court in the aforesaid SLP No. (Civil No.32348/2022), it would not be proper for the Commission to entertain and take up the request of the Appellant.

The case is disposed of accordingly.

Given under my hand and seal of this Commission's Court on this 15<sup>th</sup> May, 2024


Sd/-  
( Sangyal Tsering Bappu )  
State Information Commissioner,  
APIC, Itanagar.

Memo.No. APIC- 393/2023/1508

Dated Itanagar, the 21 May 2024.

Copy to:

1. The PIO-cum- (SE, CSQ), O/o CE, PWD(CSQ) Govt.of A.P, Itanagar PIN – 791111 for information & necessary action please.
2. Shri Tai Tayu, President, (SUMA) C/o Tamchi Sima, RTI, Chairman SUMA, Khola Camp, Lower Bhalukpong, West Kameng District, PIN-790114 Arunachal Pradesh for information & necessary action please. (Ph-8974157883)
3. The Computer Programmer for uploading on the Website of APIC, please.
4. Office copy.

  
**Registrar/Dy. Registrar,**  
**APIC, Itanagar.**  
Deputy Registrar  
Arunachal Pradesh Information Commission  
Itanagar