



ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Case No. APIC-414/2024.

APPELLANT : Shri Tamchi Gungte

RESPONDENT : The PIO, o/o the Executive Engineer (PHED)
Menchukha Division, Shi-Yomi District, Govt. of 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 (PHED) Menchuka Division, Shi-Yomi District, Govt. of Arunachal Pradesh as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 04.09.2024.

A) Particular of information: C/o "Improvement of water supply system for Menchuka Township and Peripheral village with sewerage system and river front development for boosting tourism in Menchuka township, Arunachal Pradesh, under the North East Special Infrastructure Development Scheme (NESIDS) in Arunachal Pradesh during the financial year 2022-23.

B) Details of information required :

1. Certified sanction order copy of the total list of project mentioned above;
2. Total lists of work components of the projects;
3. The certified copy of Notice Inviting Tender (NIT) with respect to the subject mentioned above;
4. The certified copy of Newspaper in which the NIT was published (at least 3 newspaper names (one national & 2 locals) along with the date of publication of newspaper as per Govt. approved order;
5. The Tender Evaluation copy (Technical Bid) along with the list of Firms participated in the tender processed for the work;
6. The name of firm who won the tender work with respect to the subject mentioned above;
7. The certified copy on which date the project has been started;
8. The Geo Coordinate information for work mentioned above;
9. Certified full agreement copy made in between the executing agency and the firm owner;
10. The certified copy of Contractor Registration of the winning firm;
11. The certified copy of contractor Enlistment Update Reports, of tender winning firm;
12. Certified affidavit copy sworn before a competent Magistrate to the effect that he/she does not have 2 (two) or more incomplete ongoing commitment (Projects/contract to execute) at the time of bidding by the tender participant and winning firm. (as per rule SPWD/W-66/2012 Dtd. 01-08-2018 and

13. Certified copy of declaration letter from the contractor (if the tender participant is from different state) to the effect that he / she has not been debarred from tendering by authority in which contractor is registered (As per CPWD Works Manual 2014, Section 15.2.3(2))

Records reveal that the appellant had asked for the above-mentioned information from the PIO vide his application dt.04.09.2024 but could not obtain the same which prompted him to approach the Chief Engineer Eastern Zone(PHED), Govt. of A.P Namsai as the First Appellate Authority under section 19(1) of the RTI Act. But the appellant yet again failed to get the sought for information and as such the he filed his 2nd Appeal before this Commission under section 19(3) of the RTI Act vide his Memo of Appeal dt.29.11.2024.

This Appeal has, accordingly, been registered in this Commission as APIC-414/2024 and listed for hearing today on 02.04.2024 wherein both the Appellant, Shri Tamchi Gungte and the PIO, Er. Shri Tung Sono, EE (PHED) Menchukha Division are present in person.

Heard the parties.

The PIO submitted that he joined the present place of posting recently for which he hardly has the full knowledge of the schemes implemented during the year 2022-23. He also pointed out that this appeal was not adjudicated by the First Appellate Authority as required by the law. He further informed the Commission that his Division falls under the jurisdiction of the Chief Engineer (PHED), Central Zone, Aalo before which the 2nd Appeal should have been filed.

This Commission, upon hearing the parties and on perusal of the records finds that the First Appellate Authority (FAA) has not, in deed, adjudicated on this appeal and as such is fit to be remanded to the CE(PHED), Central Zone, Aalo who is the FAA in respect of the PIO concerned.

This appeal is, therefore, remanded to the CE(PHED), Central Zone, Aalo, who, following the principle of natural justice, shall conduct the hearing giving adequate opportunity to the parties and pass a reasoned and speaking order giving justification for his decision. In doing so, the FAA shall apply his mind and go into the aspects like what kind of information was sought by the appellant in his application, whether the same could be provided or whether the same is exempted under the relevant provisions of section 8 of the Act or whether the information pertains to matters covered under section 11 of the RTI Act etc..

This appeal is, accordingly, remanded to the First Appellate Authority for adjudication and passing an appropriate order within one week from today and in any case not later than 11.04.2025. The appellant is also directed to attend the hearing in the FAA's Court *failing which the FAA shall be at liberty to dispose off and close the appeal*. Further, liberty is granted to the Appellant to prefer second appeal before this Commission, if he is dissatisfied or aggrieved by the decision of the First Appellate Authority or with the information furnished by the PIO for which no cost need be paid.

Given under my hand and seal of this Commission on this 2nd April, 2025.

Sd/-

(S. TSERING BAPPU)
State Information Commissioner,

Memo No. APIC- 414/2024 /511

Dated Itanagar, the 02 April, 2025

Copy to:

1. The Chief Engineer (PHED) (Central Zone, Govt. of A.P, Aalo the First Appellate Authority (FAA) for information and compliance.
2. The PIO o/o the Executive Engineer (PHED), Govt. of A.P, Menchukha Division, Shi-Yomi District PIN: 791003 for information and compliance.
3. Shri Tamchi Gungte, Near KV – II Chimpu, PO/PS : Chimpu, Dist. : Papum Pare, PIN 791113, Arunachal Pradesh, Mobile No. 9233567279 for information and compliance.
4. ✓ The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
5. Office copy.
6. S/Copy.

Registrar/ Deputy Registrar
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Arunachal Pradesh Information Commission
Itanagar.