सत्यमेव जयते

सूचना का अधिकार
RIGHT TO INFORMATION

ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Case No. APIC-363 /2024.
(Summon to appear in person)
(Or.5, R.3 of CPC)

APPELLANT : Shri Shoney Pertin, PO/PS Pasighat, East Siang District (A.P)

RESPONDENT : The PIO, o/o the Executive Engineer, Pasighat Smart City Development Corporation Ltd., Pasighat, East Siang District (A.P).

ORDER/SUMMONS

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Shoney Pertin for non-furnishing of below mentioned information by the PIO, o/o the Executive Engineer Pasighat Smart City Development Corporation Ltd. PO/PS: Pasighat, East Siang District Arunachal Pradesh as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 31.07.2024

1. **Particular of information**: ***Integrated Rehabilitation Center for Substance Abuse under Pasighat smart City Mission***

2. **Details of information**:
   (i) Certified copy of approval of DPR and sanction order.
   (ii) Certified copy of agreement copy with design & drawing.
   (iii) Names of the officers who inspected the work .
   (iv) Certified copy of payment details of PFMS to till date.
   (v) Certified copy of Geo Tag colour scanning copy before & after construction.

3. **Period for which information is required** : 2022 – till date

The brief facts as emerged from the appeal are that the appellant, Shri Shoney Pertin, vide his RTI application dt. 31.07.2024, had requested the PIO, the Executive Engineer, Pasighat Smart City Development Corporation Ltd. for the aforementioned information. In response to the said application, the PIO, vide letter dt.30.08.2024, furnished (a) the certified copy of sanction order (part of Sl.No.1) (b) List of Officers (Sl.No.2) and Geo tag report (Sl.No.5) but denied (a) the copy of DPR (part of Sl. No.1), (b) certified copies of agreement and drawing & design)(Sl. No.2) and the copy of payment details through PFMS mode (Sl. No.4) on the ground that those are exempted under 8(d) and section 11 (1) of the RTI Act.

Aggrieved with the response of the respondent PIO as above, the appellant approached the First Appellate Authority (FAA), the Chief Executive Officer, Pasighat Smart City Development Corporation Ltd. under section 19(1) of the RTI Act, 2005 vide his Memo of Appeal dt. 03.09.2024.

Records further reveal that the FAA-cum-the CEO, PSCDCL heard the appeal on 19.09.2024 and by an even dated order, passed the following order:

" *After considering the submission of both parties, it is hereby directed that a notice be issued to the PIO-cum-AE, Smart City Development Corporation Limited, Pasighat, to furnish the sought for information to the appellant within a period of 30 days from the date of this order, provided that the requirements under section 6 of the RTI Act, 2005, have been dully complied with by the applicant and that the information sought does not fall under any exempted category as per the provisions of the Act.*"

This Commission observes that the appellant herein had filed all together following 5(five) appeals before this Commission on 5(five) different subjects:

1. APIC-362/2024 {c/o Smart Roads (Phase I & II) and storm waste gate (Phase-I) under Pasighat Smart City Mission with Operation & Maint (O&M) for five years}
2. APIC-361/2024 {Construction of Recreation center (Indoor game set)}
3. APIC-360/2024 (Market area upgradation Phase-I)
4. APIC-363/2024 (Integrated Rehabilitation Center for Substance abuse under Pasighat smart City Mission) and
5. APIC-364/2024 {Sewage system and Sewage system plant, Engineering, Procurement and construction (EPC) contract mode at Pasighat on Design, Build, Operate and Transfer (DBOT) basis with operation and maintenance (O&M)}.

This Commission heard the 3(three) appeals namely, APIC-360/24 (Sl.No.3), APIC-361/24(Sl.No.2) and APIC-362/24 (Sl.No.1) on 7th February. During the course of hearing of the 3 appeals, the appellant through VC submitted that he had received the information he had sought against the Sl. No. 1 above (c/o Smart Roads and storm waste gate (Phase-I) under Pasighat Smart City Mission with operation & Maintenance (O&M) for five years. As such, the appeal No. APIC-362/2024 has since been closed vide order dt.07.02.2024.

However, hearing on other 2 appeals, APIC-360/24 and APIC-361/24 have been adjourned to 19 the March, 2025 with direction to the PIO concerned to be present in person in the hearing and produce the copies of relevant supreme Court and High Court orders/rulings to defend his action on the subjects for perusal of this Commission. This Commission further observed that the FAA had passed the same order in the matter of 2(two) other appeals before him on the subjects, namely, Market area upgradation Phase-I and Construction of Recreation center (Indoor game set).

The remaining two appeals at Sl.No.4 & 5 namely, APIC-363/2024 (Integrated Rehabilitation Center for Substance Abuse under Pasighat Smart City Mission) and APIC-364/2024 {Sewage System and Sewage System Plant, Engineering, Procurement and Construction (EPC) mode at Pasighat on Design, Build, Operate and Transfer (DBOT) basis with operation and maintenance (O&M)}were listed for hearing on 12.02.2024 wherein both the parties, the appellant Shri Shoney Pertin and Adv. Shri Topoborwell Marngar, the Ld. Counsel for the PIO present through VC.

Heard both the parties. The appellant submitted that when the PIO had provided the copy of agreement as sought for by him in respect of other project, the PIO should not have any reason to deny such documents pertaining to other projects. The Ld. Counsel for the PIO, however, responded by saying that as most of the information sought for by the appellant are similar to those in the Appeals, the hearing on which have been adjourned to 19.03.2025, the instant 2 appeals, APIC-363/2024 and APIC-364/2024 may be heard with the said 2 appeals, APIC-360/24 and APIC-361/24 on 19.03.2025.

This Commission, upon hearing the parties and considering the fact that the FAA appears to have passed the same order in all the 4 (four) appeals wherein the appellant and respondent are also same, deems it appropriate to hear the instant 2 appeals with the other 2 appeals on 19.03.2025 and hence, the hearing of instant appeal No. APIC-363/2024 and other appeal No. APIC-364/2024 are adjourned to 19.03.2025 to be heard along with the other 2 appeals, APIC-360/24 and APIC-361/24.

You are, therefore, hereby summoned to appear in person in the Hon'ble Court of Shri Sangyal Tsering Bappu, SIC in person on the **19th March 2025 (Wednesday) at 10.30 am** to answer the claims, and you are directed to produce on that day all the documents upon which you intend to rely in support of your claims/defense.

NOW THEREFORE, take notice that, in default of your appearance, on the day above- mentioned, the matter will be heard and determined in your absence.

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

Memo No. APIC- 363/2024/440 **Dated Itanagar, the** 12 **February, 2025**

Copy to:

1. The First Appellate Authority (FAA), the Chief Executive Officer, Pasighat Smart City Development Corporation Ltd., Pasighat, East Siang District Arunachal Pradesh for information and ensuring compliance by the PIO.
2. The PIO, o/o The Executive Engineer Pasighat Smart City Development Corporation Ltd., Pasighat, East Siang District (A.P) PIN: 791102 for information and compliance.
3. Shri Shoney Pertin PO/PS Pasighat, East Siang District Arunachal Pradesh PIN: 791102 Mobile No. 8974216125 for information.
4. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
5. Office copy.
6. S/Copy.

12/2/25

Registrar/ Deputy Registrar
APIC, Itanagar

Registrar
Arunachal Pradesh Information Commission
Itanagar