



ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005

Case No. APIC-280/2025.

(Summon to appear in person)

(Or.5, R.3 of CPC)

APPELLANT

: Shri Ratan Chetia, Sitpani Moran, Namsai.

RESPONDENT

: The PIO, o/o the E.E (E), Deomali Electrical Division, Tirap District (A.P)

ORDER/SUMMONS

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Ratan Chetia for non-furnishing of below mentioned information by the PIO, o/o the Executive Engineer (E), Deomali Electrical Division, Tirap District (A.P) as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 22.11.2024.

A)Particular of information:

- i) Extensions and improvement of HT & LT network I/C augmentation of DTs and High Mass Tower Street Lights under DED drg 2023-24.
- ii) Reconductoring of 33KV & 11 KV lines with sized conductor including replacement of rusted poles and X-arms passing through the Forest reserve area under DED drg 2023-24.
- iii) Construction of 11 KV line from Namsang to Longkhong to re-align Makat-Longkhong feeder by avoiding dense forest cover and river crossing under 54-Namsang, Tirap District.

B)Details of information required:

- a) CT copy of NIT published in newspapers against all the works mentioned above in SI 2 (b) sub-clause (i) to (iii).
- b) List of all participated bidders as per Arunachal Pradesh District Based Entrepreneurs and Professionals Act, 2015.
- c) CT copies of work orders, Supply orders and LoA. issued to the firms/contractors against all the works mentioned above in SI 2 (b) sub-clause (i) to (iii).
- d) CT copies of No Due Certificate/No Objection Certificates of the successful bidder issued from the Arunachal Pradesh State Co-operative Apex Bank Ltd. against all the works mentioned above in SI 2 (b) sub-clause (i) to (iii).
- e) CT copy of comparative statement chart and measurement book against all the works mentioned above in SI 2 (b) sub-clause (i) to (iii).
- f) CT copy of GPS Coordinate number & Geo Tagged details of before and after against all the works mentioned above in SI 2 (b) sub-clause (i) to (iii).

- g) CT copy of EMD, Contractor enlistment certificate, annual turnover certificate, bank solvency certificates, which had been submitted by the successful firms / contractors/suppliers against all the works mentioned above in SI 2 (b) sub-clause (i) to (ii).
- h) Copy of technical bid of successful participants of all the above mentioned works in SI 2 (b) sub-clause (i) to (iii).
- i) CT copy of Cash book statement along with the amount withdrawn in the name of Executive Engineer or Assistant Engineer and their accountability for all the works mentioned above in SI 2 (b) sub-clause (i) to (iii).
- j) CT copy of Letter of credit (LOC) and their utilization/completion certificates of all the works mentioned above in SI 2 (b) sub-clause (i) to (iii).
- k) Furnish the CT copies of Govt. Cheque's counter folios, and details of Mode of Payment (Cheque no. Demand Draft No., RTGS/NEFT etc.), paid to the firms/contractors/suppliers against each of all the works mentioned above in SI 2 (b) sub-clause (i) to (iii).
- l) CT copies Stock register/BOQ/RABs/TS against all the works mentioned above in SI 2 (b) sub-clause (i) to (iii).
- m) AE&ES against all the works mentioned above in SI 2 (b) sub-clause (i) to (iii).

C) Period for which information asked for: 2022-24

Facts emerging from the appeal:

Records in the appeal reveal that the appellant had requested the PIO for the aforementioned information but failed to obtain the same within the statutory period of one month as specified under section 7(1) of RTI Act which prompted him to file appeal before the Chief Engineer (E), Eastern Electrical Zone, Namsai, the First Appellate Authority (FAA) under section 19(1) of the RTI Act vide his Memo of Appeal dt. 10.01.2025.

Records further reveal that the FAA did not conduct hearing but by letter dt. 16.01.2025, signed by the EE (Planning)-cum-PIO, o/o CE, Namsai simply forwarded the RTI application of the appellant to the EE-cum-PIO, o/o the EE, Deomali Electrical Division with request *to inform the applicant to furnish the remaining insufficient documents which have not received so far from his end.*

The records also disclose that the PIO, vide his letter dt. 22.01.2025 addressed to the appellant, while acknowledging the receipt of 4(four) RTI applications from the appellant on different dates, had requested the appellant to give sufficient time (more than 30 days) for collation of information for each application citing the reason that the manner in which the appellant is submitting the application is confusing and requires sufficient time for collection of the replies/documents. The PIO had, thus, requested the appellant to submit the next RTI application after receiving the replies of earlier application.

The appellant, aggrieved with the response from the PIO as above, and non-hearing of his appeal by the FAA despite his reminder letter dt. 17.02.2025 to the FAA for conducting the hearing, filed his second appeal before this Commission under section 19(3) of the RTI Act vide his Appeal Memo dt. 17.03.2025.

Hearing and decision:

This appeal was thus, listed and heard on 23.07.2025 wherein the appellant appeared through VC but the PIO did not appear.

This Commission, upon hearing the appellant and on perusal of the records referred to above, is constrained to hold that the FAA failed to discharge its mandated duties as a quasi judicial authority under section 19(1) of the RTI Act. i.e to hear the parties and pass a reasoned and speaking order after applying its mind to the aspects like the nature of information requested, whether the same could be furnished or is exempted under various exemption clauses of section 8 etc.

Be that as it may. Now advertng to the factual matrix of the case on hand, it has been admitted by the appellant that he had filed 4(four) different RTI applications on different dates before the same public authority and he had received the replies against one of them and therefore, the PIO is required to furnish the replies/documents against remaining three applications including the one in the instant appeal in APC- No. 280/2025.

This Commission is inclined to hold that collation and collection of information /documents against such a multiple number of RTI applications/queries would definitely require considerable amount of time and manpower. In this regard it is felt relevant to refer to the provisions of sub-section (9) of section 7 of the RTI Act, 2015 which reads as under:

“An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question.”

From the language of the provision of law as above what could be deduced is that it would not be binding upon the PIO to provide information(s) **if the form in which the information(s) is sought would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question.**

This Commission also deems it appropriate to refer to the landmark judgment & Order dtd.08.09.2011 passed by the Hon'ble Supreme Court of India in Civil appeal No. 6454 of 2011 {arising out of SLP(C) No. 7526 - 2009} (CBSE & anr. Vs. Aditya Bandopadhyay & Ors.) whereby the Hon'ble Court, in para-37, held that:

“37.....Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquillity and harmony among its citizens.

Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties.

The threat of penalties under the RTI Act and the pressure of the authorities under RTI Act should not lead to employees of a public authorities prioritising 'information furnishing', at the cost of their normal and regular duties."

In the light of aforesaid provisions of section 7(9) of the RTI Act, 2015 and the principles of law as laid down by the Hon'ble Supreme Court as above and considering the fact that the information sought for by the appellant from the PIO is against multiple number of applications and queries thereunder, which is likely to divert the manpower resources of the department disproportionately to information collecting and furnishing, this Commission is inclined to endorse the submission of the PIO that sufficient time should be allowed to him to furnish the information and in the manner suggested by him i.e. to submit the next application after receipt of the satisfactory replies to earlier application. In so far as the replies/information in respect of the instant appeal is concerned, the PIO shall furnish the same within one month from the date of receipt of this order and the intimate the compliance report thereof on 27.08.2025 the next date of hearing.

The appeal is listed again on 27.08.2025.

NOW THEREFORE, you are hereby summoned to appear in person or online in the Hon'ble Court of Shri Sangyal Tsering Bappu, SIC on the **27.08.2025 (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.

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

To avail online hearing please at least notify or get in touch one day prior to the hearing, download "**WEBEX MEETING APP**" from Google Play store. For further technical assistance Shri Himanshu Verma, IT Consultant (Mobile no. 8319014957) may be contacted.

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

Memo No. APIC- 280/2025

Dated Itanagar, the 24 July, 2025

Copy to:-

1. The Chief Engineer (E), Eastern Electrical Zone Head Quarter- Namsai, the First Appellate Authority (FAA) for information and ensuring compliance by the PIO.
2. The PIO, o/o the Executive Engineer (E), Deomali Electrical Division, Tirap District (A.P) PIN: 792129 for information and compliance.
3. Shri Ratan Chetia, village Sitpani Moran. PO/PS Mahadevpur, Namsai PIN: 792105 Mobile No. 7063965456 for information.
4. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
5. Office copy.
6. S/Copy.

Pragati Singh
Registrar/Deputy Registrar
APIC, Itanagar
Arunachal Pradesh Information Commission
Manager