



ARUNACHAL PRADESH INFORMATION COMMISSION

ITANAGAR.

**An Appeal Case U/S 19(3) of RTI Act, 2005
Case No. APIC-15/2025.**

APPELLANT : Shri Tamchi Gungte, Near KV-II Chimpu, Itanagar.
RESPONDENT : The PIO, o/o the Chief Executive Officer, Pasighat Smart City Development Corporation Ltd. Pasighat.

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Tamchi Gungte for non-furnishing of 15 point information on the Construction of Smart Road Phase I and II and storm Water Drains Phase I under Pasighat smart City Mission Road and Drain Etc. during the financial year 2021-22 by the PIO, o/o the Chief Executive Officer, Pasighat Smart City Development Corporation Ltd, 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 23.09.2024.

Hearing and decision:

This appeal was listed and heard on 2(two) occasions, on 09.04.2025 and 04.07.2025. On 09.04.2025 wherein both the appellant, Shri Tamchi Gungte and Er. Shri Bengia Gagung, E.E, o/o the CEO, PSCDC Ltd. were present in person, this Commission had directed the PIO to furnish the *Contractor Registration/ Enlistment Certificate leaving the personal information like the IT returns etc. The PIO was also directed to furnish the UCs and the date of publication of the NIT in the News Papers.*

This Commission, however, noticed that the appellant, Shri Tamchi Gungte, vide his letter dated 21st May, 2025 had intimated the Commission that the PIO did not comply with the order of the Commission and, therefore, requested for hearing the appeal again.

This appeal was, thus, listed for hearing again on 04.07.2025 wherein the PIO, Er. Shri Bengia Gagung, E.E was present in person but the appellant was absent due to health issues.

This Commission, upon hearing the PIO who submitted that as directed by this Commission by its order dt.03.06.2025, the left out documents had been sent to the appellant by registered post, directed the appellant vide order dt.07.07.2025 *to inform this Commission of the receipt of the documents within 2(two) weeks for further consideration of this appeal.*

In compliance with the aforesaid order the appellant, vide his letter dt.10.07.2025, has informed that the following documents furnished by the PIO are either incomplete or misleading:

1. Sl.No.7(Contractor Regn. and enlistment) : *(there is no contractor enlistment);*
2. Sl. No.9(U/Certificate) : *(Misleading information);*
3. Sl. No.11(Copy of News Paper) : *(in complete as per Govt. order);*
4. Sl. No.14(Affidavit on 2 or more incomplete projects) : *(Not satisfactory).*

This appeal is, thus, listed again today on 22.08.2025 wherein both the PIO, Er. Shri Bengia Gagung and the appellant, Shri Tamchi Gungte are present in person.

Heard the parties.

The appellant, reiterating his complaint about the incomplete and misleading information furnished by the PIO, pleaded for direction to the PIO to furnish complete and correct information to him as per his application. The PIO, on the other hand, submitted as under:

1. Sl.No.7(Contractor Regn. and Enlistment) : The term 'contractor registration' and 'contractor enlistment' are same and are being used interchangeably, and hence, the Contractor Enlistment ***was not obtained from the Contractor.***
2. Sl. No.9(U/Certificate) : The utilization certificate furnished to the appellant was the composite certificate against the entire central fund for the entire projects including the project in question against which the information has been sought by the appellant. The U/C supported by project-wise GMIS details could, however, be furnished.
3. Sl. No.11(Copy of News Paper) : The PIO has furnished the copy of National News paper, the TIMES OF INDIA.
4. Sl. No.14 (Affidavit on 2 or more incomplete projects) : Pasighat Smart City Development Corporation Ltd. (PSCDCL) is a Corporation incorporated under the Companies Act, 1956 and as per the provisions of rule 3 of the Aunachal Pradesh District Based Entrepreneurs and Professionals(Incentives, Development and Promotional) Rules, 2015, the rules thereunder are not applicable to the PSCDCL.

Now adverting to the submission of the PIO as above, this Commission is inclined to hold as under:

- a) that as regards contractor enlistment certificate, no direction can be issued to furnish an information/document which is not available with the PIO which, admittedly, was not obtained/insisted from the contractor. However, it is the requirement of law {section -7(8)(i) of the RTI Act} that when an information is denied to the applicant, the reason thereof has to be communicated to the applicant/appellant to his satisfaction. And as mandated by section-18(3)(c) and under rule- 5(vi) of the AP Information Commission (Appeal Procedure) Rules, 2005, the submission/reply of the PIO has to be declared/supported by way of an affidavit;
- b) that as regards utilization certificate, as assured by the PIO, the supporting GMIS details, including that of the project in the instant case, shall be furnished;
- c) that as regards the publication of NIT in the newspapers, as the appellant insisted for copy of publication in local newspapers in addition to National Paper, the PIO shall, as assured by him, find out from the records and furnish the same and
- d) as regards the Affidavit on 2 or more incomplete projects, ***this Commission is not in a position to accept*** the contention of the PIO that the Pasighat Smart City Development Corporation Ltd. (PSCDCL) being a corporation incorporated under the Companies Act, 1956, the APDBE &P (ID&P) Rules, 2015 is not applicable to it in terms of rule 3 of the said Rules.

The provisions of rule 3 of the aforesaid rule is reproduced hereunder:

“3. Applicability of the Rules : *These Rules shall be mandatorily applied to all works undertaken by various agencies, Departments under the Government of Arunachal Pradesh including works and Development Departments such as Public Works Department (PWD), Rural Work Department (RWD), Water Resource Department (WRD), Public Health Engineering Department and Housing Department (PHED), Hydro Power Department (HPD), Urban Department and Housing Department (UD and HD), Department of power (Elect), Forest Department, Agriculture, Horticulture, Animal Husbandry and Veterinary and Dairying, Rural Development Department etc.”*

This Commission notices that the aforesaid rule does not mention the entities, ‘Corporation/Company or Board etc. by name in the list of Govt. Departments. But the words, ‘various agencies’ have been mentioned before the words, ‘departments under the Government of Arunachal Pradesh. These two words ‘various agencies’, in the considered opinion of this Commission, necessarily include the entities such as ‘Corporations’, Boards etc. which are the instrumentalities or agencies of the State. And as such the Pasighat Smart City Development Corporation Ltd. (PSCDCL) being a State Govt. Corporation, though incorporated under the Companies Act, 2013, is an instrumentality of the State Govt. and therefore, covered by the aforesaid rule 3 and in view thereof, this Commission is inclined to hold that the provisions of the APDBE &P (ID&P) Rules, 2015 are applicable to the Corporation. Resultantly, the tender criteria/qualification prescribed by the said Rules are to be fulfilled by the contractor(s) while participating in the tender process.

As directed in respect of the contractor enlistment certificate, a similar affidavit shall be furnished by the PIO in respect of Sl. No.14 (Affidavit on 2 or more incomplete projects) also.

In the premises as above, the PIO o/o the CEO, PSCDC Ltd. is directed to furnish the information/documents as indicated against (a), (b), (c) and (d) above within 2(two) weeks from the date of receipt of this order. The appellant shall, thereafter, intimate this Commission of the receipt of the same and his satisfaction therewith within one week from the date of receipt of the documents.

This appeal is disposed of in above terms.

Given under my hand and seal of this Commission on this 22nd August, 2025.

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

Memo No. APIC- 15/2025 598 Dated Itanagar, the 25 Aug., 2025

Copy to:

1. The Chief Executive Officer, Pasighat Smart City Development Corporation Ltd. Pasighat, the First Appellate Authority (FAA) for information and ensuring compliance of this order.
2. The PIO, o/o the Chief Executive Officer, Pasighat Smart City Development Corporation Ltd. Pasighat, East Siang District, Arunachal Pradesh PIN – 791102 for information and compliance.
3. Shri Tamchi Gungte, Near KV-II School Chimpu, Itanagar 791113, A.P. 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.

P. Singh
Registrar/ Deputy Registrar
APIC, Itanagar.
Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar