



ARUNACHAL PRADESH INFORMATION COMMISSION

ITANAGAR.

**An Appeal Case U/S 19(3) of RTI Act, 2005
Case No. APIC-12/2025.**

**APPELLANT
RESPONDENT**

: Shri Tamchi Gungte
: The PIO, o/o the Chief Executive Officer,
Pasighat Smart City Development Corporation Ltd.
Pasighat, East Siang 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 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.

A) Particular of information: C/o Integrated Command and Control Centre.

B) Details of information required:

1. Certified Sanction Order copy;
2. Tender Evaluation copy of Technical Bid along with list of Firms participated in the Tender process for the work.
3. Name of Firms who won the tender work with respect to the subject mentioned above.
4. Certified Design and scope of work in the projects.
5. Certified copy of work specification of the projects.
6. Certified copy of completion certificate for the work with respect to the subject mentioned above.
7. Certified copy of Contractor Registration, GST No. Contractor Enlistment Update reports as nature of work of tender winning Firm.
8. Furnish the CTC copy of declaration letter from the contractor to the effect that he/she has not been debarred from tendering by authority (if the contractor is from different state) in which contractor is registered.
9. Certified Copy of utilization certificate.
10. Certified copy of Notice Inviting Tender (NIT)
11. Certified copy of newspaper in which NIT was published (At least 3 newspaper name (one national & 2 Local) along with date of publication of news paper, as per government approved order.
12. Certified copy of EMD and Security money deposited by all the tender participant.
13. Certified Integrity Pact submitted by the tender participant.

14. Certified copy of an Affidavit sworn before a competent Magistrate by the Contractor, to the effect that he does not have two or more incomplete ongoing commitments (project to execute / contracts in hand) (Notification no. SPWD/W-66/2012 Dtd. 01-08-2018).
15. Certified copy of three similar work each of value not less than 40 % of the estimate cost or two similar work each of value not less than 60 % of the estimated cost or one similar work of value not less than 80 % of the estimated cost in the last 5 years ending last day of the month previous to the one which tenders are invited.

Facts emerging from the appeal:

Records in the appeal reveal that the appellant had requested the respondent PIO, o/o the Chief Executive Officer, Pasighat Smart City Development Corporation Ltd, Pasighat for the aforementioned information vide his application dt.23.09.2024 but failed to obtain the same and therefore, filed appeal under section 19(1) of the RTI Act before the CEO, Pasighat Smart City Development Corporation Ltd., the First Appellate Authority (FAA) vide his Memo of Appeal dt.30.10.2024. It is seen that the o/o the PIO, in response to the aforesaid RTI application of the appellant, had, vide letter dt.04.11.2024 addressed to the appellant forwarded information on few of the points while on most of the points it was remarked as, "NOT AVAILABLE". This had probably prompted the appellant to file his 2nd appeal before this Commission under section 19(3) of the RTI Act on 17.12.2024.

Hearing and decision:

The appeal was, accordingly, heard for 2 (two) times on 09.04.2025 and 13.06.2025. In the hearings both the appellant Shri Tamchi Gungte and Er. Shri Bengia Gagung, E.E, o/o the CEO, PSCDC Ltd. were present in person.

In the hearing on 09.04.25, this Commission, upon hearing the parties and on noticing that most of the replies furnished by the PIO vide his letter dt.04.11.2024, contained the remarks, "Not Available" without citing any reasons as required under section 7(8)(i) of the RTI Act, had directed the PIO to furnish, on or before 09.05.2025, a revised replies to the appellant citing adequate and cogent reasons for non-disclosure of the information instead of merely making "NOT AVAILABLE" remarks. This Commission, however, observed that the PIO did not comply with the said direction. In the meanwhile, the appellant, vide his letter dated 21st May, 2025 expressing his disappointment on non-compliance of the order of the Commission, requested for hearing the appeal again.

The appeal was, therefore, listed again on 13.06.2025 wherein both the PIO and the appellant attended the hearing in person.

During the course of hearing today, the PIO furnished some of the left out documents such as the contractors Registration, Contractor Enlistment, GST No. U/Certificate, work experience, copy of publication of NIT in News Paper etc.. He also produced copies of replies/explanation against some of the queries which were furnished to the appellant earlier.

The PIO vide his letter dt.29.04.2025, had furnished, among others, following replies:

- a) that since PSCL is overseer of this project, IC & CC, the tender process and award was done at Central Govt. level under the direct control of MoHUA (Ministry of Housing and Urban Affairs) Govt. of India and that M/S Bharat Electronic Limited (BEL), a PSU of Govt of India is executing and running the project under the supervision of the PSCDCL and, therefore, the o/o PIO does not hold or control the tender related documents and in terms of section 2(j) of the RTI Act, the PIO is required to disclose only those information as is held by it. The requested documents may, therefore, be available with the BEL and
- b) that the nature of project (ICCC) includes highly sensitive information related to the public safety & surveillance the disclosure of which may effect the security and strategic interest of the State and nation, thus, attracting the provisions of clause(a) of section 20(1) of the RTI Act, 2005.

The PIO, reiterating the reasons cited in his aforesaid letter to the appellant, further submitted that the project in question, "c/o Integrated Command and Control Centre" being a security related project, the information sought for by the appellant thereof, more particularly, the scope and design of the project are covered by exemption clause (a) of sub-section (1) of section 8 of the RTI Act and hence, can not be disclosed.

The PIO had, vide letter dt.08.05.2025, further clarified that the affidavit from the contractor regarding two or more incomplete ongoing projects as sought for by the appellant at Sl.No.14 of his application which is applicable in case of contractors enlisted in Arunachal Pradesh is not applicable to the national /global tender. Moreover, the notification No SPWD/W-66/2022-1 does not cover a Corporation registered under Companies Act in terms of the provisions of rule 3 of the A.P District Based Entrepreneurs and Professionals (Incentive, Development and Promotional) Rules, 2015.

The appellant, on the other hand, while largely accepting the PIO's clarification / reasons for non-disclosure of some of the requested documents, vehemently pleaded for a direction to the contractor firm, M/S BEL to furnish the information /documents held by them. This Commission is, however, not inclined to consider this pleading as the contractor firm in question is a central Govt. enterprise over which this Commission has no jurisdiction. The appellant's prayer is, therefore, rejected. But if he so desires, he may prefer appeal before the CIC.

This Commission noticed that the appellant, besides having been convinced of the reasons for non-disclosure of some of the documents, is satisfied with whatever documents he has been provided by the PIO.

In the premises as above, this appeal does not warrant any further adjudication and resultantly it stands disposed of and closed.

Given under my hand and seal of this Commission on this 13th June, 2025

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

Memo No. APIC- 12/2025 *7764* **Dated Itanagar, the** **June, 2025**

Copy to:

1. The CEO, PSCDC Ltd., the First Appellate Authority (FAA) for information.
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.
3. Shri Tamchi Gungte, Near KV-II School Chimpu, Po/PS Chimpu, Dist : Papum Pare, 791113, Mobile No. 9233567279 for information.
4. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
5. Office copy.
6. S/Copy.

P. Singh 16/06/25
Registrar/ Deputy Registrar
APIC, Itanagar.

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar