



ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Case No. APIC-200/2025.

(Summon to appear in person)

(Or.5, R.3 of CPC)

APPELLANT : Shri Tamchi Gungte KV-2 School Chimpu.

RESPONDENT : The PIO, o/o the Executive Engineer (RWD), Khonsa Division,
Khonsa Division.

ORDER/SUMMONS

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, RWD, Khonsa Division, District : Tirap, Govt. of Arunachal Pradesh as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 11.11.2024.

Particular of information: C/o "The total list of project sanctioned under Pradhan Mantri Jan Karyakaram (PMJVK), erstwhile-MsDP Scheme, Ministry of Minority Affairs Govt. of India" during the financial year 2015-16.

The Total list of projects are:

1. Construction of 50 bedded Girls Hostel with CGI Sheet roofing at Govt. ME School, Chongkhaw in Pongchao-Wakka block of Longding Dist. A.P.
2. Construction of 50 bedded Girls Hoste! with CGI Sheet roofing at Govt. ME School, Khassa in Pongchao-Wakka block of Longding District. A.P;
3. Construction of RCC school building with CGI Sheet roofing at Govt. Primary School, Longding in Niausa block of Longding Dist. A.P.
4. Construction of RCC girls Hostel with CGI Sheet roofing at Govt. ME School, Chanu Village in Niausa block of Longding Dist. A.P.
5. Construction of School building with CGI Sheet roofing at Govt. ME School, Tissa in Niausa block of Longding District A.P.

Particulars of sought information are given below:

C/ o "The total list of project"

1. Furnish the certified Sanction Order Copy.
2. Furnish the certified DPR Copy of the projects mentioned above.
3. Furnish the certified copy of Proof (such as Voter ID and PRC) that the tender winning firm Domicile status within the Territorial jurisdiction of that Constituency Assembly as per District Based Entrepreneur and Professionals (Incentive, Development and Promotion) rules, 2015.
4. Furnish the certified copy of Technical Sanction done by the concerned Authority for the projects as per financial rules.
5. Furnish the certified copy of Utilization Certificate (UC) countersigned by the DC along with Executing Agency as per Sanction Order guidelines.

6. Furnish the certified copy of Notice Inviting Tender (NIT) with respect to the subject mentioned above.
7. Furnish the certified Progress Report of the projects in Physical and Financial section till date.
8. Furnish the certified copy of Completion certificate of the project.
9. Furnish the certified copy of Newspaper in which NIT was published (At least 3 newspaper name (one National & 2 Local)) along with date of publication of Newspaper, as per Government approved Order.
10. Furnish the certified Design and Scope of Work in the projects.
11. Furnish the certified copy of Work Specification of the projects.
12. Furnish the certified copy of documents submitted by tender participant for Technical Bid.
13. Furnish the Name of Firms who won the Tender work with respect to the subject mentioned above.
14. Furnish the Name of Officers and their Designation at the Time of monitoring the work.
15. Furnish the certified copy of Contractor Registration, of the tender participant and tender winning Firm.
16. Furnish the certified copy of Contractor Enlistment Update reports (Civil/ Composite Category as per the nature of work), of tender participant and winning Firm.
17. Furnish the certified copy of EMD and Security money deposited by all the tender participant.
18. Furnish the certified Integrity Pact submitted by the tender participant.
19. Furnish the certified Affidavit copy Sworn before a Competent Magistrate to the effect that he/she (tender participant), 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 as per District Based Entrepreneurship Act, 2015).
20. Furnish the certified documents submitted by tender participant and winning firm, i.e. copy of completed three similar work each of value not less than 40% of the estimate cost or Completed Two Similar work each of value not less than 60% of the estimated cost or Completed One similar work of value not less than 80% of the estimated cost along with the Completion Certificate issued by the Engineer in Charge duly Countersigned by the Concerned Superintending Engineer and Chief Engineer, in the last 5 years ending last day of the month previous to the one in which the tenders are invited.
21. Furnish the certified copy of Acceptance letter for Tender work by the Executing Agency to the tender Winning Firm.
22. Furnish the certified copy of Work Order given to the Contractor by the Executing Department.
23. Furnish the Agreement Copy made between the Contractor and the Executive Agency for the projects mentioned above.
24. Furnish the certified copy of all Photograph of work items (Glossy paper) before starting of work and Photograph (Glossy Paper) after completion of work.
25. Furnish the Geo Coordinate information for the work mentioned above.
26. Furnish the certified Payment Details (Cheque no., voucher, PFMS etc. (Which ever method is used of payments) of the project till date.

Brief facts emerging from the appeal :

Records emerging from the appeal disclose that the Appellant, Shri Tamchi Gungte had requested the PIO for the aforementioned information/documents but failed to obtain the same which prompted him to appeal before the Chief Engineer (RWD), (E/Z), Govt. of Arunachal Pradesh, Itanagar, the First Appellate Authority (FAA) under Section 19 (1) of the RTI Act, 2005 vide Memo of Appeal dated 26.12.2024.

Records further disclose that the FAA, who received the appeal on 30.12.2024, did not adjudicate on the appeal but merely forwarded the appeal to the PIO o/o the E.E (RWD), Khonsa Division vide letter dt.15.01.2025 signed by PIO/APIO o/o the C.E (RWD)(EZ), with an advice to reply to the appellant directly. Such a response from the FAA, who is a quasi-judicial authority under section 19(1) of the RTI Act, is totally in violation of the mandate of the RTI Act which makes the case fit to be remanded to him for adjudication.

Be that as it may, the appellant having felt aggrieved by such response from the FAA, filed his 2nd appeal before this Commission under Section 19 (3) of the RTI Act, 2005 vide Memo of Appeal dated 18.02.2025 which has been registered as APIC-200/2025.

Hearing and decision:

This appeal is, accordingly, is listed today on 6th June, 2025 wherein the appellant, Shri Tamchi Gungte is present in person while the PIO is represented by his APIO, Shri Rigi Geyi, Draughtsman-II, o/o the EE (RWD), Khonsa Division.

Heard the parties.

The appellant reiterated his demand for the requested documents /information from the PIO. The APIO submitted that on bifurcation of the office of EE(RWD) Longding Division from Khonsa Division in the year 2017, most of the records pertaining to the 5 schemes were handed over to the Longding Division and as such most of the requested documents are not available with the Khonsa Division. He, however, submitted that he has brought in whatever information available in Khonsa Division. The appellant, in response contended that if the records were transferred from Khonsa Division to Longding Division as claimed, the PIO ought to have transferred his RTI application within the statutory period prescribed under section 6 of the RTI Act and further that the PIO, Khonsa Division having failed to comply with the mandate of law, it should collect the requested documents from the Longding Division and furnish to him. The appellant further pointed out that the documents brought in by the PIO are not properly indexed as per his RTI application making it difficult to comprehend.

This Commission upon hearing the parties and on perusal of the documents brought in by the APIO, observed that the documents were indeed not indexed. The documents have, therefore, been returned to the APIO furnish to the appellant with proper indexing and signature of the PIO with seal. This Commission also observed that the PIO failed to follow the procedure prescribed by sub-section (3) section 6 which provides for transfer of RTI application by the PIO who does not hold the requested information to other PIO who holds such information within 5(five) days.

As such, this Commission, while endorsing the contention of the appellant, directs the PIO, EE (RWD), Khonsa Division to collect the documents from the o/o the EE, Longding Division and furnish to the appellant. The EE(RWD), Longdin Division is also directed to provide the requested documents to the EE, Khonsa Division as mandated under sub-section(5) of section 5 of the RTI Act so as not to constrain this Commission to take avoidable penal action under the RTI Act.

The PIO, o/o the EE(RWD), Khonsa Division and the EE(RWD), Longding Division shall comply with the above direction within 4(four) weeks from the date of receipt of this order and in any case before 11.07.2025, the next date of hearing.

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 11th July, 2025 (Friday) at 2 pm** 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) maybe contacted.

Given under my hand and seal of this Commission on this 6th June, 2025.

Sd/-

(S. TSERING BAPPU)

**State Information Commissioner,
APIC, Itanagar.**

Memo No. APIC- 200/2025 / 438 Dated Itanagar, the 9 June, 2025

Copy to:

1. The Chief Engineer (RWD), (E/Z), Itanagar, Govt. of A.P, First Appellate Authority (FAA), for information and ensuring compliance of the order by the public authorities concerned.
2. The PIO o/o the Executive Engineer, RWD, Khonsa Division, Dist :Tirap Govt. of Arunachal Pradesh for information and compliance.
3. The E.E(RWD), Longding Division, District Longdin, A.P for information and compliance.
4. Shri Tamchi Gungte, near KV-II School Chimpu, Po/PS Chimpu, Dist Papum Pare, 791113, A.P. Mobile No. 9233567279.
5. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
6. Office copy.
7. S/Copy.

**Registrar/ Deputy Registrar
APIC, Itanagar**

**Arunachal Pradesh Information Commission
Itanagar**