



ARUNACHAL PRADESH INFORMATION COMMISSION

ITANAGAR.

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

Case No. APIC-71/2025.

(Summon to appear in person)

(Or.5, R.3 of CPC)

APPELLANT : Shri TamchiGungtNear KV-II School Chimpu.

RESPONDENT : The PIO, o/o the Executive Engineer (PWD),
Mariyang Division, District: Upper Siang.

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 (PWD), Mariyang Division, District Upper Siang, Govt. of Arunachal Pradesh as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 14.10.2024.

A) Particular of information: Construction of Road from Mindi Yorbe to Govt. Model College, Geku in Upper Siang District during the financial year- 2022-23.

B) Details of information required:

1. Certified Sanction Order copy;
2. Certified PRC (Permanent Residence Certificate) submitted by tender Participant issued by the Competent Authority regarding domicile status with the Districts as per Rule 4 (ii)(b) of the Arunachal Pradesh District Based Entrepreneurs and Professionals (Incentive, Development and promotion) Rule, 2015;
3. Certified LOC copy;
4. Certified copy of utilization certificate;
5. Certified copy of Notice Inviting Tender (NIT);
6. Certified copy of Progress report of the projects in physical and Financial section till date;
7. Certified copy of copy of Completion certificate of the project;
8. Certified copy of newspaper in which NIT was published (At least 3 news paper name (one national & 2 Local) along with date of publication of news paper, as per government approved order;
9. Certified design and scope of work in the projects;
10. Certified copy of work specification of the projects;
11. Certified Copy of documents submitted by tender participant for Technical Bid;
12. Name of Firms who won the Tender Work;
13. Name of Officers and their designation at the time of monitoring the work;
14. Certified copy of Contractor Registration, Pass work completion, Contractor enlistment update reports, of tender participant and winning Firm;

15. Certified copy of EMD and Security money deposited by all the tender participant.
16. Certified Integrity Pact submitted by the tender participant;
17. Certified copy of an Affidavit copy sworn before a competent Magistrate by the Contractor, to the effect that he does not have two or more incomplete ongoing commitments (project / contract to execute) at the time of bidding by the tender participant and winning firm. (as per rule SPWD/W-66/2012 Dtd. 01.08.2018);
18. 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 in the last 5 years ending last day of the month previous to the one in which the tenders are invited Certified copy of Acceptance letter for Tender Work by the Executing Agency to the tender winning firm;
19. Certified copy of Work Order given to the Contractor by the Executing Department;
20. Agreement copy made between the Contractor and the Executive Agency for the projects mentioned above;
21. Photograph of worksite (Glossy paper) before starting of work and photograph (Glossy paper) after completion of work
22. Geo Coordinate information for the work mentioned above;
23. Certified payment details of the project till date;
24. Certified Solvency certificate by the Bankers, submitted by all the tender participant;
25. Certified credit facility from Bankers (10% of the tender value) submitted by the tender participants;
26. Certified affidavit to invest cash up to (25 % of tender value) submitted by the tender participant;

This appeal is listed for 3rd time today on 06.06.2024, the earlier 2 times being on 23.04.2025 and on 21.05.2025.

The PIO did not appear in the earlier 2 hearings on 23.04.2025 and 21.05.2025. The appellant appeared on both the dates. However, in the hearing on 21.05.2025 one Shri Santosh Ram, Divisional Accountant who had appeared online on behalf of the PIO submitted that he will not be able to answer any clarification, if asked for during the course of hearing. The hearing of the appeal was, hence, adjourned to 06.06.2024 and directed the PIO to be present in person with the requested documents/information and to explain the reasons for denial, if any, of the documents.

Meanwhile the Appellant, Shri Tamchi Gungte, vide letter dated 30.05.2025, addressed to this Commission, informed that the PIO had furnished the requested information(s) on 27.05.2025 but the information(s) are either incomplete / or not furnished as shown below:

- (i) Sl No 2 : Not satisfied with the reply (PRC of tender participants)
- (ii) Sl No. 8 : Not satisfied with the reply (News Papers Notice of e-tender)
- (iii) Sl No. 9 : Not satisfied with the reply (Design and scope of work)
- (iv) Sl No. 11 : The information is not furnished (Documents submitted for technical Bid).
- (v) Sl No. 14 : The information is incomplete (Contractor Regn. and Enlistment)
- (vi) Sl No. 15 : The information is incomplete (EMD and Security)

- (vii) Sl No.18 :The information is incomplete (Copy of 3 completed works by the tender winning firm)
- (ix) Sl No. 22 :The information is not furnished (photograph of the worksite before start of work)
- (x) Sl No. 23 :The information is not furnished (Geo co-ordinate)
- (xi) Sl No. 24 :The information is incomplete (Payment details)

In today's hearing, the appellant is present in person. But this time also Shri Santosh Ram, Divisional Accountant appeared as APIO online on behalf of the PIO with due authorization from the PIO.

Heard the appellant who reiterated his demand for the left out documents while the APIO submitted that some of the requested documents/information are either related to commercial confidence or personal information of the third party which are exempted under section 8(1)(d) and (j) of the RTI Act.

The appellant, however, responded by saying that he did not request for any information relating to any commercial confidence or trade secrets of the tender participants but has asked for the PRCs submitted by them to prove their domicile status as required under the Ar.P.District Based Entrepreneurs and Professionals (Incentive, Development and Promotion) Rules, 2015. The appellant also complained that although the NIT was uploaded in the website but the notice of the same published in news paper was not furnished.

This Commission, on perusal of the details of left out documents/information as above and upon hearing the parties, observes that non-disclosure of the those remaining documents, particularly, the PRC (Sl.No.2) and the Documents submitted for technical bid (Sl.No.11) on the ground that these are exempted under section 8(1)(d) and (j) was not correct inasmuch as the PRC can not be termed as an information having a character of commercial confidence or trade secrets. Further, the disclosure of the documents submitted by the tender participants for technical bid, some of which, even though, might be personal information, can not be denied if the disclosure has a relationship to public activity or interest in terms of the provisions contained in the exemption clause(j) itself. And since the disclosure of the documents as sought for in the instant case has relationship with an important public activity or interest i.e the construction of public road, the requested documents should be furnished to the appellant.

In the premises as above, the PIO is directed to provide the aforementioned left out documents/information to the appellant within 4(four) weeks from today and in any case before 09.07.2025, the next date of hearing.

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

NOW THEREFORE You are hereby summoned to appear in the Hon'ble Court of Shri Sangyal Tsering Bappu, **SIC in person on the 9th July, 2025 (Wednesday) at 10.30am** 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.

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

Memo No. APIC- 71/2025 1439 **Dated Itanagar, the** 9 **June, 2025**

Copy to:

1. The Chief Engineer (PWD), Govt. of A.P, Central Zone-B, Pasighat, East Siang District (A.P), the First Appellate Authority (FAA) for information and ensuring compliance by the PIO concerned.
2. The PIO, o/o the Executive Engineer (PWD), Mariyang Division, Upper Siang District (A.P) PIN – 791002 for information and compliance.
3. Shri TamchiGungte, Near KV-II School Chimpu, PO/PS Chimpu, Distt. Papum Pare (A.P) PIN: 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.

Pragati/06/25
Registrar/ Deputy Registrar
APIC, Itanagar
Deputy Registrar
Arunachal Pradesh Information Commission
Manager