सत्यमेव जयते

सूचना का अधिकार
RIGHT TO INFORMATION

ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Case No. APIC-379/2024.

APPELLANT : Shri Tamchi Gungte, Itanagar.

RESPONDENT : The PIO, o/o the Executive Engineer (PWD) Pasighat Division, East Siang Dist., 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 Executive Engineer (PWD), Pasighat Division, East Siang Dist. Arunachal Pradesh as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 04.09.2024.

a) Particular of information: c/o "Rehabilitation and upgradation of Miren-Mikong Jonai Road (L-15.568 km), under the North East Road Sector Development Scheme (NERSDS) in Arunachal Pradesh during the financial year 2020-21.

b) Details of information required:

1. Certified sanction order copy of the total list of project mentioned above.
2. Total lists of work components of the projects.
3. The certified copy of utilization certificate.
4. The certified copy of Notice Inviting Tender (NIT) with respect to the subject mentioned above.
5. The certified copy of Newspaper in which the NIT was published (at least 3 newspaper names (one national & 2 locals) along with the date of publication of newspaper as per Govt. approved order.
6. The Tender Evaluation copy (Technical Bid) along with the list of Firms participated in the tender processed of the work.
7. The name of firm who won the tender work with respect to the subject mentioned above.
8. The certified copy on which date the project has been started.
9. The certified copy of completion certificate for the subject mentioned above.
10. The Geo Coordinate information for work mentioned above.
11. Certified photograph of worksite (colored photo) before starting of work and after completion of work.

12. Name of officers and their Designation at the time of monitoring the work.
13. The certified full agreement copy made in between the executing agency and the firm owner.
14. The certified copy of contractor registration of the winning firm.
15. The certified copy of contractor enlistment update reports, of tender winning firm.
16. The certified affidavit copy sworn before a competent magistrate to the effect that he/she does not have 2 (two) or more incomplete ongoing commitment (Project/contract to execute) at the time of bidding by the tender participant and winning firm (as per rule SPWD/W-66/2012 dt. 01-08-2018).

This appeal is heard for the 2nd time today on 28.05.2025 the 1st time being on 02.04.2024 wherein the Appellant, Shri Tamchi Gungte was present in person and Er. Shri Hori Mibang, AE and the APIO appeared through the VC on behalf of the PIO.

In the 1st hearing the APIO submitted that the requested documents had already been furnished to the appellant. The appellant also acknowledged the receipt of the documents but complained that out of the 16 point information he had sought from the PIO, he did not receive the information on point numbers 05,11,15 and 16 of his RTI application. The APIO replied that the left out documents, whichever is available with the /o/o the PIO, shall be provided to the appellant who may visit the o/o the PIO any time.

This Commission, upon hearing the parties and noticing that the documents/information sought for by the appellant are not covered by the exemption provisions under the RTI Act, directed the PIO to furnish those left out information to the appellant within 2(two) weeks from 02.04.2025 and in any case not later than 21st April, 2025 and the appellant was also directed to inform within 1(one) week thereafter to this Commission of the receipt of the information failing which it was made clear that this appeal shall be closed presuming that he had received the information and is satisfied therewith.

In compliance with the order of this Commission as above, the appellant, vide his letter dt. 22.04.2025 complained that the PIO did not furnish the left out information/documents despite assurance given by the APIO during the hearing. He, therefore, pleaded for hearing the appeal again besides taking action against the PIO for disobeying the order of this Commission.

This appeal is, accordingly, listed and heard again on 28.05.2025.

In today's hearing both the PIO, Er. Shri Mano Tayeng, E.E and the appellant, Shri Tamchi Gungte are present in person.

Heard the parties.

The appellant reiterated that the documents furnished by the PIO against his queries at Sl. No. 05,11,15 and 16 of his RTI application are either misleading or incomplete. He complained that as against his query at. Sl. No 15 (Contractor Enlistment Certificate), the PIO has furnished the certificate (in the name of Shri Puna Hinda) enlisted and issued by the Govt. of A.P and not the one enlisted in Assam who actually participated in the tender process and won the tender and executed the project. He, therefore, insisted for the Contractor Enlistment Certificate enlisted and issued by the PWD, Assam. The PIO responded by saying that he will verify the records and reply accordingly.

As regards the News Paper records of publishing the NIT (Sl. No.5), the PIO submitted that in terms of Govt. notification No. FIN/E-II/30/2017/99 dt. 24.09.2010, the publication of NIT in the News Paper is not necessary but it is mandatory for e-publishing the advertisement on Central Public Procurement Portal (CPPP) at WWW.eprocure.gov.in Govt eMarket Place (GeM) and website of Department and that accordingly the tender was floated through e-tender vide www.arunachaltender-gov.in and hence not published in News Papers.

As regards Sl.No.11 (photograph of worksite (colored photo) before starting of work and after completion of work), the appellant expressed is satisfaction with the one already furnished.

As regards Sl. No.16 (affidavit to the effect that he/she does not have 2 (two) or more incomplete ongoing commitment), the PIO stated that this particular condition was not part of bidding qualification and hence, not available.

This Commission, upon hearing the parties and on perusal of the records including the Govt. notification on e-publication of the NIT which was furnished by the PIO via WhatsApp after the hearing a copy whereof has also been forwarded to the appellant, observes that the documents/information and replies furnished by the PIO to the appellant are found satisfactory and complete except the Contractor Enlistment Updated Report in respect of the firm who executed the project (Sl.No.15).

The PIO is, therefore, directed to furnish the left out document, as assured by him, within 1(one) week from today and the appellant is directed to intimate within 2(two) days from the receipt of the document for further consideration of the appeal.

The PIO is further directed that if the left out document in question,is not held by his office he shall declare so with cogent reasons therefor.

Given under my hand and seal of this Commission on this 28th May, 2025.

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

Memo No. APIC- 379/2024 /1420 **Dated Itanagar, the** 30 **May, 2025**

Copy to:

1. The Chief Engineer (PWD), Govt. of A.P, Central Zone-B, Pasighat, the First Appellate Authority (FAA), for information and ensuring compliance of this order by the PIO concerned.
2. The PIO, o/o the Executive Engineer (PWD), Pasighat Division, Arunachal Pradesh PIN: 791102 for information and compliance.
3. Shri Tamchi Gungte, Near KV – II Chimpu, PO/PS : Chimpu, Dist. : Papum Pare, PIN 791113, Arunachal Pradesh, 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.

30/05/25

Registrar/ Deputy Registrar
APIC, Itanagar

Deputy Registrar
Arunachal Pradesh Information Commission