



ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Case No. APIC-23/2025.

(Summon to appear in person)

(Or.5, R.3 of CPC)

APPELLANT : Shri Tamchi Gungte, Near KV-II School Chimpu.

RESPONDENTS : 1) The PIO, o/o the Executive Engineer (PHE & WS),
Likabali Division, Lower Siang (A.P).
2) The PIO, o/o the Executive Engineer (PHE & WS),
Pasighat Division, East Siang (A.P).
3) The PIO, o/o the DPO, Govt. of A.P, East Siang District,
Pasighat.

ORDER /SUMMON

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Tamchi Gungte for non-furnishing of 16 (sixteen) point information on (a) c/o Augmentation and Re-alignment of water Supply system including distribution network of ADC Hq. Nari in Ramle-Bango block of East Siang Dist. A.P. (2019-20) and (b) c/o Multi-purpose Cultural hall at Nari in Ramle-Bango RN block of East Siang Distt., A.P. (2019-20) under the Pradhan Mantri Jan Vikas Karyakaram (PMJKV), erstwhile-MsDP by the PIO, o/o the Executive Engineer, PHE & WS, Likabali Division, District Lower Siang as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 08.08.2024.

This appeal was heard 2(two) times on 09.04.2025 and 23.05.2025 wherein both the PIO and the appellant were present.

This Commission on 09.04.2025, upon hearing the parties and on perusal of the documents furnished by the PIO so far had directed the appellant to go to the o/o the PIO at Likabali and collect the documents and to intimate this Commission of his satisfaction or otherwise therewith for further consideration of the appeal. In compliance therewith, the appellant, vide his representation dt.16.04.2025, intimated that he had visited the o/o the PIO at Likabali and collected the documents but the documents were found to be either incomplete/ or not furnished as per his application as shown under:

1. Serial No.3(UC) and Sl.10
(payment details through PFMS): **The information is incomplete as per the sanction amount.**
2. Serial No.4(NIT), Sl.No.5(N/Papers on NIT), Sl.No.6(Tender evaluation), Sl.No.7(Name of successful firm), Sl.No.8(date of start of project) and Sl.No.9 (completion certificate), Sl.No.12 (photograph of worksite before and after completion),

Sl.No.14(Agreement between the executing agency and the firm), Sl. No 15(contractors registration, Trading License etc.) and Sl.16(contractor enlistment) : **Not furnished.**

In view of the complaint of the appellant as above, this appeal was again heard on 23.05.2025 wherein the PIO produced a copy of letter dt.22.05.2025 addressed to the appellant enclosing therein the point-wise remarks / statement against the details of information / documents sought by the appellant and reiterated the statement made therein.

The PIO submitted that the projects against which the information has been sought were started in the year 2019-2020 by the o/o the E.E, Pasighat Division before the bifurcation of the Lower Siang District from the East Siang District and therefore, most of the requested documents/information are not available with the o/o the EE, Likabali Division. As such those documents will have to be obtained from the o/o the EE, Pasighat Division and the o/o the ADC, Nari. He specifically mentioned that *the final bills against the expenditure incurred during 2017-18 (Rs.60.00 lakh), 2020-21 (Rs.24.00 lakh and 2024-25 (Rs.51.00 lakh) on c/o Augmentation and realignment of water supply system of ADC HQ, Nari in Ramle Bango Block of East Siang Distt. and MLALAD Fund 2019-20020 (Rs.15.00 lakh) were passed by the o/o the ADC, Nari and as such the UC is not available with the EE, Likabali Division. Similarly, the sanction order and UC against expenditure during 2017-18(Rs.48.00 lakh), 2020-21 (Rs.19.20 lakh & Rs.12.00 lakh) and 2022-23 (Rs.28.80lakh) on c/o Multipurpose Cultural Hall at Nari in Ramle Bango Block are not available with the o/o the E.E, Likabali Division as the work was executed by the EE, Pasighat Division.*

As regards NIT(Sl.No.4), the PIO submitted that no NIT was floated by the EE, Pasighat Division against both the schemes and therefore, the question of publishing the same in the News Paper, it's evaluation, the name of the firm winning the tender work, Agreement copy etc. (Sl. Nos.5,6, 7, 14) does not arise.

As regards completion certificate (Sl.No.9), the PIO has furnished the certificate dt. 21.02.2025 issued by the ADC, Nari. The PIO also furnished 6(six) Nos of certified copies of PPA PFMS. However, as against expenditure of Rs.60.00 lakh and Rs.48.00 lakh ((1st instalments of Scheme No.1 and No.2 respectively), the PIO submitted that there is no record of the PFMS payment as the bills were submitted by the o/o the EE, Pasighat Division and the competent authority to furnish the documents is the DPO, East Siang District Pasighat.

The PIO also submitted that the date of start of project (Sl.No.8), photograph of the worksite before start (Sl.No.12), contractor registration certificate, Trading Liscence (Sl. No 15) and contractor enlistment certificate (Sl.16) are not available with the Likabali Division as the execution of the schemes were started by the o/o the EE, Pasighat Division.

The PIO also produced a copy of his letter dt.11.09.2025 to the o/o the BE-cum-PIO, PHE & WS, Pasighat Division requesting to furnish the documents which are not available in his office (EE, Likabali Division) and pleaded that the EE (PHE & WS), Pasighat Division may be directed to furnish the aforementioned documents.

This Commission, upon perusal of the written statement of the PIO and considering the factual position as obtaining in the case and the provisions of sub-sections (4) and (5) of section 5 of the RTI Act, 2005, directed the PIO, office of the EE, Pasighat Division and the DPO, East Siang District to furnish the requested information which they respectively hold as aforementioned to the appellant within 1(one) month from the date of receipt of the order.

In compliance with this Commission's order dt. 27.05.2025, the PIO, o/o EE, Likabali Division, vide his letter dt.07.07.2025, had furnished to the appellant some of the left out information namely, the Work Completion Certificates in respect of the two projects (a) c/o Augmentation and Re-alignment of water Supply system including distribution network of ADC Hq. Nari (Rs.1,50,00,000.00) and (b) c/o Multi-purpose Cultural hall at Nari (Rs.1,20,00,000.00) in Ramle-Bango RN block, a copy of the said letter whereof had also been endorsed to this Commission.

The appellant, however, complained vide his letter dt.31.07.2025, that although the PIO had furnished the completion certificate from his behalf, the PIO-cum-EE(PHED), Pasighat Division and the DPO, Pasighat did not furnish the documents which are being held by their respective offices. As such, the appellant, has pleaded for summoning and hearing the said 2(two) authorities, the PIO-cum-EE(PHED), Pasighat Division and the DPO, Pasighat.

This Commission is also constrained to notice that the said 2(two) authorities had failed to comply with the order of this Commission passed in terms of the provisions of sub-sections (4) and (5) of section 5 of the RTI Act, 2005, which this Commission holds amounts to willful disrespect to its order and the RTI regime.

It is but deemed appropriate to apprise and remind the said two authorities of the following provisions of sub-section (5) of section 5 of the RTI Act which this Commission had already apprised in its order dt.27.05.2025 :

“(5) Any officer, whose assistance has been sought under sub-section (4), shall render all assistance to the Central Public Information Officer or State Public Information Officer, as the case may be, seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Central Public Information Officer or State Public Information Officer, as the case may be.”

As per the above provisions, the consequences of the non-compliance of the order of this Commission by the officers whose assistance has been sought would attract the same penal provisions under section 20 of the RTI Act as if such officers are the PIOs.

In the premises as above, the PIO-cum-EE(PHED), Pasighat Division and the DPO, Pasighat, East Siang District are also directed to appear before this Commission on 12.09.2025 (Friday) at 2 pm with the requested documents they are holding respectively so as not to constrain this Commission to take avoidable penal action under the RTI Act.

Given under my hand and seal of this commission on this 11.08.2025 May 2025.

You are hereby summoned to appear in person in the Hon'ble Court of Shri Sangyal Tsering Bappu, **SIC in person on the 12.09.2025 (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.

NOW THEREFORE, 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- 23/2025 Dated Itanagar, the 11 August, 2025

Copy to:

1. The Superintending Engineer, PHE & WS, Bene Circle, Aalo, West Siang District Govt. of A.P, the First Appellate Authority (FAA), for information and ensuring compliance by the PIO, o/o the Executive Engineer, PHE & WS, Pasighat Division.
2. The PIO, o/o the Executive Engineer, PHE & WS, Pasighat Division, East Siang District for information and compliance.
3. The PIO, o/o the Executive Engineer, PHE & WS, Likabali Division, Lower Siang District for information and compliance.
4. The DPO, East Siang District, Pasighat, for information and compliance.
5. The Dy. Commissioner, Govt. of A.P, East Siang District, Pasighat for information and ensuring compliance of the order by the DPO.
6. Shri Tamchi Gungte, Near KV-II School Chimpur, PO/PS Chimpur, Dist: Papum Pare (A.P) 791113 Mobile No. 9233567279 for information.
7. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
8. Office copy.

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