



ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR.

**BEFORE THE HON'BLE COURT OF SHRI SANGYAL TSERING BAPPU,
STATE INFORMATION COMMISSIONER**

No. APIC- 233/2025

Dated Itanagar, the 7th August, 2025

Shri Yamra Elia, Polo Colony, Naharlagun.

Vs.

The PIO, o/o the E.E (HPD), Koloriang Division,
Kurung Kumey Distt. (A.P)

ORDER

{Section 19(8)(c) r/w section 20 of the RTI Act, 2005}

To,

Shri Darmar Ete, (EE)-cum-PIO,
o/o the Executive Engineer (HPD),
Koloriang Division, District: Kurung Kumey, Koloriang.

WHEREAS Shri Yamra Elia of Polo Colony, Naharlagun, vide his RTI application dated 24.09.2024, had requested the PIO, o/o the Chief Engineer Hydro Power Development, Western Zone Govt. of A.P, Itanagar for the following 14 (fourteen) point information:

A. Particular of information: Fure MHP at Damin (1x50 kw).

B. Details of information required:

1. The official Technical Order copy;
2. The NIT paper (Local daily news paper) if not then reason to be furnished;
3. How many bidders attended with submission of EMD;
4. Name of the contractor or firm (if NIT);
5. The winner of NIT tender with name and documents;
6. The Lowest rate L1, L2, L3 and L4;
7. Order copy;
8. Agreement copy in between contractor and executing agency;
9. Deposit of BG in which bank by winner of tender;
10. Total Nos. of Financial bids;
11. Geo tag report;
12. Check leaf for payment against the contractor;
14. Signature copy of both members attended during tender and
15. Document should be sign and CTC copy.

Period for which information asked for: 2010.

2. AND WHEREAS the applicant failed to obtain the requested information from the PIO which prompted him to file appeal before the Chief Engineer (HPD), Govt of A.P (WZ), Itanagar, the First Appellate Authority (FAA) under section 19(1) of the RTI Act vide his Memo of Appeal dt.26.11.24.

However, the appellant failed yet again to obtain the information and therefore, he preferred his 2nd appeal before this Commission under section 19(3) of the RTI Act, 2005 vide his Memo of Appeal dt.28.02.2025.

3. **AND WHEREAS** the appeal was listed and heard in this Commission for 3(three) times on 30.04.2025, 23.05.2025 and 02.07.2025.

4. **AND WHEREAS** in the hearing on 30.04.2025 Er. Shri Taba Tagu, SW (C), the PIO o/o the Chief Engineer (HPD) submitted that the requested information are not held by the o/o the Chief Engineer (HPD)(WZ), Itanagar, but is held by the o/o the E.E (HPD), Koloriang Division and accordingly, the EE, Koloriang Division was summoned to appear in the hearing before this Commission in the next hearing on 23.05.25 and to provide the requested information to the appellant.

5. **AND WHEREAS** in the hearing on 23.05.2025, the appellant was present in person but the PIO, the E.E (HPD), Koloriang Division did not appear.

6. **AND WHEREAS** the absence of the EE, Koloriang Division in the hearing, despite this commission's summon order and the advice of the PIO, o/o the Chief Engineer (WZ) vide letter dt.29.04.25 and dt.16.05.2025, was viewed seriously by this Commission. The hearing of this appeal was, thus, adjourned to 2nd July, 2025 and the E.E (HPD) Koloriang Division was directed to appear with the sought for information without fail so as not to compel this Commission to invoke section 20 of the RTI Act, 2005.

7. **AND WHEREAS** in the hearing on 02.07.2025 also the PIO did not appear but the appellant was present and was extremely disappointed on the repeated absence of the PIO in the hearing and this Commission was also constrained to hold that the repeated non-appearance of the E.E (HPD), Koloriang Division in the hearing amounts to blatant and deliberate disrespect to this Commission and the RTI regime making him liable to be proceeded against under the relevant provisions of RTI Act, 2005. And as such, a show cause notice dt.04.07.2025 was issued to Er. Shri Darmar Ete, E.E-cum-PIO, o/o the Executive Engineer (HPD), Koloriang Division, to show cause as to why penalty of Rs. 25,000.00 (Rupees twenty five thousand) should not be imposed, as provided under section 19 (8)(c) r/w section 20(1) of the RTI Act, 2005, on him for non-compliance of the direction of this Commission and was also directed him to appear before the Commission on 06.08.2025 at 10.30 am.

8. **AND WHEREAS** the PIO, Er. Sri Darmar Ete again failed to appear in person despite categorical warning nor submitted any reply to the show cause notice but deputed Er. Shri Nangram Dawa with a letter dt.04.08.2025 from the PIO as a reply to the said show cause notice the contents whereof is extracted hereunder:

" Sir,

In response to the memo no. cited above, the following points may be considered and treated as our genuine para wise reply of your show cause notice.

1. As reply to your para A & B: it is to inform you that the project 'C/o Fure MHS (1x50 kW) at Damin' was sanctioned and executed under Executive Engineer, Ziro Civil Division, DHPD, Ziro in the year 2009, before the bifurcation of Koloriang and Daporijo Hydro Power Division.

Therefore, all the related documents sought under Para 1 of A & B (SI. No. 1 to 15) is not available at this office.

2. As reply to your para 2 to 7, it is to acknowledge you that this office did not receive any intimation letters for any of the hearing orders conducted under your Hon'ble court. Hence, undersigned or any representatives could not attend the hearings for which we are regretful.

3. Therefore, in view of above facts and circumstances, it is requested that the penalty of Rs. 25,000.00 (Rupees Twenty-Five Thousand) only may not be imposed please.

Yours Faithfully,

Sd/-

*Executive Engineer
Koloriang Hydro Power Division
Dept. of Hydro Power Development
Koloriang."*

9. AND WHEREAS this Commission is constrained to hold that the contents of the PIO's letter as above which is bereft of any justifiable ground for his non-appearance in the hearings can not be accepted as an explanation to the show cause notice, more so, the reason cited by him i.e non-receipt of the hearing notice is totally false because the summon notice dt. 26.05.2025 for the hearing fixed on 02.07.2025 was sent to him through whatsapp which was seen by him on the same day (26.05.2025), yet he chose not to attend the hearing. Moreover, if he had slightest respect for this Commission's order, he could have appeared in person at least in today's hearing with the explanation to the show cause notice. On the contrary, the response of the PIO has been found to be too casual which amounts to blatant disrespect to the RTI regime and to this Commission and in view thereof this Commission finds this case a fit case where the PIO is liable to be imposed penalty as provided under Section 20(1) of the RTI Act, 2005 for violation of section 7(1) of the RTI Act, 2005.

10. NOW THEREFORE, Er. Shri Darmar Ete, E.E-cum-PIO, o/o the Executive Engineer (HPD), Koloriang Division is hereby imposed a penalty of Rs. 25,000.00 (Twenty five thousand) which shall be deposited through Treasury Challan in the name of the Registrar, APIC, Itanagar under the Head of Account : 0070-other administrative charges.

The PIO shall furnish to this Commission the receipt of the deposit (Challan) of penalty within 2(two) weeks from the date of receipt of this order. The PIO is also directed to furnish the requested documents/information to the appellant failing which he shall be liable to further action (disciplinary) under section 20(2) of the RTI Act.

Given under my hand and seal of this Commission on this day of 7th August, 2025.

Sd/-

**(S. Tsering Bappu)
State Information Commissioner
APIC Itanagar**

Memo No. APIC- 233/2025 /SB1 Dated Itanagar, the 8 August, 2025

Copy to:

1. The Chief Engineer (Hydropower Development) (W/Z), Govt. of A.P Itanagar, the FAA for information and ensuring compliance by the PIO concerned.
2. The PIO, o/o the E.E (HPD), Koloriang Division, Kurung Kumey for information and compliance.
3. The PIO, o/o the Chief Engineer Hydropower Development (W/Z), Govt. of A.P Itanagar for information.
4. Shri Yamra Elia, Polo Colony, Naharlagun PO/PS Nlg., Papum Pare District (A.P) PIN: 791110 Mobile No. 6909899941 for information.
5. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
6. Office copy.
7. S/Copy.

P. Ag. 08/08/25
Registrar/ Deputy Registrar

APIC, Itanagar.

**Arunachal Pradesh Information Commission
Itanagar**