



**ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC)
ITANAGAR, ARUNACHAL PRADESH**

An appeal case **U/S 19(3) of RTI Act, 2005**
Vide Case No. **APIC-01/2019**

**BEFORE THE HON'BLE COURT OF SHRI GOTO ETE, THE STATE
INFORMATION COMMISSIONER**

Shri Dado Kagung
New Palin, P/O Palin,
P/S Sangram, Kar-Daadi
District, Arunachal Pradesh.

-VERSUS -

Public Information Officer (PIO)
Er. Byabang Tugu, Executive Engineer
PWD, Jamin Division, Kra-Daadi
District, Arunachal Pradesh.

Date of hearing:-

14.02.2019.

JUDGMENT/ORDER

This is an appeal under Form-E of the RTI Act filed by Shri Dado Kagung against the PIO, wherein, alleging that PIO, Shri/Er. Byabang Tugu, Executive Engineer, PWD, Jamin Division, Kra-Daadi District, Arunachal Pradesh, has refused him to furnish information sought by him under RTI Act. The appeal, having been received in the commission, has been registered on 09.01.2019, vide No.APIC-01/2019.

Brief fact of the case is that the appellant filed an application to the PIO under Form-A of the RTI Act on 27.09.2018, whereby, seeking information regarding the work as ***"C/o Road Maintenance from Talangring to Yangte Under RIDF Second Phase Finance By NABARD in the year 2007-08"***, which are as follows:-

- 1) To furnish the administrative approval and expenditure sanctioned order copy.
- 2) To furnish the tender details and copy of agreement mode between the working agency and the firm.
- 3) To furnish the technical sanctioned Ts and DPR copies.
- 4) To furnish the contractor firm details.
- 5) To furnish the details of payment mode to the working firm as on today.
- 6) To furnish the photograph of completed road.
- 7) To furnish the Utilization certificate copy..
- 8) To furnish the Certificate M.B Book and cheque counter poil payment to the contractor.

Today is the first date of hearing of the appeal in which both appellant, Shri Dado Kagung and the PIO-cum-Executive Engineer, Er. Byabang Tugu are present.

Lohu

Heard the both parties. The PIO has furnished the information to the appellant in the form of answers to the question regarding said road maintenance. According to the PIO the information is of the period of the year 2007 to 2008 long before establishment of Jamin PWD Division in the year 2015 and on account of which no records of information sought under Form-A of the appellant is available in his division.

Considering the above facts and circumstances I have a reason for holding that the PIO, who does not have any control or procession over any document or information, being object matter of the RTI, cannot be compelled to furnish such document or information to the information seeker under RTI Act. And, therefore I do not find any scope for directing the PIO to furnish the information sought under Form-A of RTI Act to the appellant and, in lieu whereof, find this appeal fit to be disposed and close at this stage with a liberty to the appellant to file fresh application under Form-A of RTI Act for seeking the same information sought in this RTI application.

Judgment/Order pronounced in the open court today on this 14th day of February, 2019. Each copy of the judgment/order be furnished to the parties.

Given under my hand and seal of this Court on this 14th day of February, 2019.

-sd-

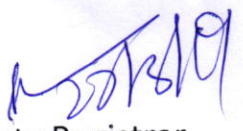
(Shri Goto Ete)

State Information Commissioner, (APIC)
Itanagar.

Memo No. APIC-01/2019/585 Dated Itanagar, the.....27..... March, 2019.

Copy to:-

1. PA/PS to CIC, for information please.
2. PAs to all information commissioners, for information please.
3. Mr. Dado Kagung, New Palin, PO Palin, PS Sangram, Kra-Daadi District, Arunachal Pradesh for information and necessary action please.
4. Public Information Officer(PIO), Er. Byabang Tugu(EE) PWD, Jamin Division, Kra-Daadi District, Arunachal Pradesh for information and necessary action please.
5. FAA/the superintending Engineer PWD, Yachuli Circle, Arunachal Pradesh for information and necessary action please.
6. The computer operator, for uploading on website of APIC please.
7. Office copy.


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