

**NAGALAND INFORMATION COMMISSION**

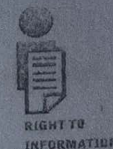
**Nagaland Commissions' Complex**

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**Nagaland, Kohima - 797004**

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**No. NIC/APPEAL-9/2024-25/357**

**Dated Kohima, the 24<sup>th</sup> July, 2024**

**Appellant :** Shri. Ato Yimchunger,  
House No- 262,  
Ekranipather Village,  
P.O Eralibil- 797115,  
Dimapur, Nagaland,  
Mobile No. 8974695697,

**Respondents :** (i) Er. P.I. Imna Ao,  
Engineer-in-Chief & FAA,  
PWD: Mechanical,  
Nagaland, Kohima.  
  
(ii) Er. Lisela Sangtam,  
Executive Engineer & APIO,  
PWD (R&B),  
Kohima, Nagaland.  
  
(iii) Er. Kito Anche,  
Executive Engineer & PIO,  
PWD (R&B), Kiphire Division,  
Kiphire, Nagaland.

**Public Authority :** Office of the Executive Engineer, PWD (R&B),  
Kiphire Division, Kiphire, Nagaland.

**Date of hearing :** 17.07.2024 at 12:00 Noon.

**Date of Decision :** 24.07.2024.

**Present:**

1. Er. P.I. Imna Ao, (formerly Chief Engineer) Engineer-in- Chief & First Appellate Authority, PWD (R&B), Nagaland, Kohima, Mobile No. 9436016005.
2. Er. S. Lisela Sangtam, Executive Engineer (D) IV & APIO, PWD (R&B), Kohima, Nagaland, Mobile No. 8131066121.
3. Er. Kito Anche, Executive Engineer & PIO, PWD (R&B), Kiphire Division, Kiphire, Nagaland, Mobile No. 8974848948.
4. Er. Konathung N. Kyong, SDO(R&B), Kiphire, Mobile No. 8974404963.
5. Er. Nuhuta Tetso, SDO(PMGSY Cell), Mobile No. 8131932408.
6. Er. Kevivhuto Peseyie, SDO (D) IV, Mobile No. 8974492132.
7. Er. Kiyeshi Yeptho, J.E, PMGSY, Mobile No. 9436235649.
8. Shri. Iiato, S.O., Kiphire, Mobile No. 9612213325.
9. The applicant (now appellant), Shri. Ato Yimchunger, House No- 262, Ekranipather Village, P.O Eralibil- 797115, Dimapur, Nagaland, Mobile No. 8974695697.

**FACT OF THE CASE**

An applicant, Shri. Ato Yimchunger had submitted a RTI application dated 15.02.2024 via Speed Post vide Receipt No. EE438945054IN dated 16.02.2024 addressed to the PIO, Executive Engineer, PWD (R&B), Kiphire Division along with an IPO No. 96G 621239 for Rs. 10/- as the application fee seeking information regarding PMGSY Road from Fakim- Tsundang Junction to Vongsuvong Village via Tsundang Sangtsong, Area/Locality: Khongsa Block, Pungro Sub-Division, Kiphire Division with the following details:-



1. Please supply me certified copy of work order(s) issued/ contracts awarded along with following details:
  - a. Schedule of Work.
  - b. Sanctioned detailed estimate
  - c. Approved drawing/ sketch.
2. Please supply me certified copies of Measurement Books wherein the measurement with respect to work order is recorded.
3. Please supply me certified copies of the latest running account bills or final bills paid to the contractor(s) with respect to work order(s) issued.
4. Please supply me certified copies of completion certificate of the work (if the work has been completed) or if the work has not been completed, mention the reason of delay along with the actual date for completion of work.
5. Please supply me certified copies of documents showing Scheduled of inspections indicating the frequency and nature of such inspections required to be carried out by officer and supervisors.
6. Please supply me certified copies of all inspection notes/ reports issued by officer incharge and supervisor incharge.
7. Please supply me certified copies of compliance report on all inspection notes/ inspection reports issued by officers and supervisors incharge.
8. Please supply me certified list of works and its performance guarantee amount deposit held by your public authority with respect to work order awarded to or executed by contractors.
9. Please inform me the name, designation, office address and telephone numbers of officers and supervisors responsible for execution, monitoring and supervising the work.
10. Please inform me the name, designation, office address of the officers and staff, whose assistance sought by PIO in deciding and supplying information with respect to this RTI Application.

On not getting any information from the PIO, the applicant had submitted first appeal dated 28.03.2024 to the FAA, Office of the Chief Engineer PWD (R&B), Nagaland, Kohima.

On receipt of the first appeal, Er. Lisela Sangtam, EE & APIO, PWD (R&B), Kohima, Nagaland had, vide letter No. CE(R&B)/TB-IV/RTI-FAA(Pt)/619-621 dated **12.04.2024** informed the applicant to collect the same from the office of the EE(D)-IV & APIO, PWD (R&B) which was forwarded by Er. Kito Anche, Executive Engineer, PWD (R&B), Kiphire Division vide letter No. EE/PWD(R&B)/KPE/TB/RTI/2024-25/01 dated 05.04.2024 in reference to letter No. CE(R&B)/TB-IV/RTI-FAA/Pt/594-596 dated 02.04.2024 of the Chief Engineer & FAA, PWD (R&B), Nagaland, Kohima. While forwarding the information to the Chief Engineer, PWD(R&B), Kohima, Nagaland, Er. Kito Anche, Executive Engineer, PWD (R&B), Kiphire Division stated that the delay in furnishing the reply was due to the total shutdown called by the ENPO (Eastern Naga Public Organisation).

On receipt of the information furnished by the PIO, the applicant had vide letter dated 20.04.2024 requested the FAA & Chief Engineer PWD(R&B), Kohima, Nagaland for conduct of personal hearing of the case.

The applicant (now appellant) had, in continuation to his letter dated 20.04.2024 wrote to the FAA & Chief Engineer PWD(R&B), Kohima, Nagaland on 24.04.2024 requesting for supplementary documents as given below:-

1. Kindly supply a copy of originally certified/approved DPR. The DPR I received through your notification NO.CE(R&B)/TB-IV/RTI-FAA(P)/619-621 dated 12<sup>th</sup> April 2024 has many errors/overwriting.
2. Kindly supply a certified copy of the order/letter in respect of the engineer who was assigned to prepare the DPR. My RTI reply dated 12<sup>th</sup> April 2024 has no mention of the name of engineer who prepared the DPR.



3. Kindly supply a copy of certificate/notification/order/letter issued by the highest authority in respect of approval of the DPR. My RTI reply dated 12<sup>th</sup> April 2024 has not enclosed such a copy to authenticate if the DPR is genuinely certified copy.
4. Kindly check if there is any information held without being furnished. For instances, the DPR furnished to me has,
  - (a) no mention of even a single retaining wall or breast wall for the entire stretch of 16 km and
  - (b) no other sketch apart from sketches of the two bailey bridges.

However, whether or not, my request put forward in the above four points can be fulfilled by your authority on a justifiable ground; I would still wish to continue with personal hearing.

Referring to the letter No. CE(R&B)/TB-IV/RTI-FAA(Pt-1) dated 30.04.2024 of the Chief Engineer & FAA, PWD (R&B), Nagaland, Kohima, Er. Kito Anche, Executive Engineer, PWD (R&B), Kiphire Division had, vide letter No. EE/PWD(R&B)/KPE/TB/RTI/2024-25/12 dated 04.05.2024 forwarded a copy of the reply to the supplementary documents to the Chief Engineer, PWD (R&B), Nagaland, Kohima.

On receipt of the above two letters dated 20.04.2024 and 24.04.2024 from the applicant (now appellant), Er. P.I. Imna Ao, Chief Engineer & First Appellate Authority, PWD (R&B), Nagaland, Kohima had, vide letter No. CE(R&B)/TB-IV/RTI-FAA(Pt)/660-661 dated 10.05.2024 informed the applicant (now appellant) to collect the information from the EE(D)-IV & APIO, Office of the Chief Engineer, PWD (R&B), Nagaland which contained 111 pages. Further, the applicant (now appellant) was informed that the request for personal hearing with the FAA would stand cancelled.

On receipt of the information furnished dated 12.04.2024 and 10.05.2024, the applicant (now appellant), had preferred Second Appeal dated 10.06.2024 to the Commission stating the following:-

*Reasons for preferring appeal under section 19(3) :*

- (a) Partial Reply
- (b) Reply not satisfactory

*Grounds of Appeal :*

1. Approved Sketch/Drawing for the following has not been furnished:

- (a) Hume Pipe Culvert as per IRC:SP:20
- (b) 1.5 Meter Span RCC Slab Culvert as per IRC:SP:20
- (c) 3.0 Meter Span RCC Slab Culvert as per IRC:SP:20

In the case of above Grounds of Appeal No. 1, the query No. 1(c) of my application dated 15<sup>th</sup> February 2024 to PIO has been replied to me partially and unsatisfactorily by the First Appellate Authority.

2. The DPR furnished to me twice through two different notifications by the First Appellate Authority (FAA) still remains partially incomplete, incorrect and incomprehensive:

- (a) The DPR exclusively of the first reply dated 12<sup>th</sup> April 2024 has 99 pages.
- (b) The DPR exclusively of the second reply dated 10<sup>th</sup> May 2024 has 105 pages.
- (c) Both the DPRs provided to me have many overwriting and have errors in estimation.
- (d) I demand originally approved and certified DPR that has no missing pages and contains correct and comprehensive information which copy is invariably maintained at custody of highest authorities of both state and central agencies.

In the case of above Grounds of Appeal No. 2, the query Nos. 1 & 2 of my application dated 15<sup>th</sup> February 2024 to PIO has been replied partially and unsatisfactorily by the First Appellate Authority.



Since the applicant (now appellant) was not satisfied with the information so furnished to him, the Commission has decided to hear the above appeal by giving opportunity of being heard to all the parties on **17<sup>th</sup> July, 2024 (Wednesday) at 12:00 Noon in the Hearing Room of Nagaland Information Commission, Nagaland Commissions' Complex, Below NBCC Convention Centre, Nagaland, Kohima** and notified the following parties to appear before this Commission and **also to bring the files and relevant documents** in question for scrutiny on the above date and time for hearing:-

1. Er. P.I. Imna Ao, Chief Engineer & FAA, PWD (R&B), Nagaland, Kohima.
2. Er. Lisela Sangtam, EE & APIO, PWD (R&B), Kohima, Nagaland.
3. Er. Kito Anche, Executive Engineer, PWD (R&B), Kiphire Division, Kiphire, Nagaland.
4. The applicant (now appellant), Shri. Ato Yimchunger, House No- 262, Ekranipather Village, P.O Eralibil- 797115, Dimapur, Nagaland, Mobile No. 8974695697.

#### **OBSERVATIONS AND FINDINGS:**

Since applicants cannot seek additional information during appeals, the Commission announced that the non-satisfaction with the replies to the **supplementary documents** shall not be taken up for the hearing since the applicant(now appellant) had not sought in his RTI application dated 15.02.2024 but as an additional information sought on 24.04.2024.

The applicant (now appellant) stated that he was satisfied with all the replies to his query Nos. from 3 to 10 except the replies to his query Nos. 1 and 2 of his RTI application dated 15.02.2024. He further stated that **query No. 1(b)** was related to the DPR (Detailed Project Report) which was sought and furnished in the **supplementary documents**, and since there were overwriting and corrections made in the DPR, he was not satisfied with the reply.

During the hearing, Er. Nuhuta Tetso, SDO(PMGSY Cell) had produced the original DPR and explained to the applicant (now appellant) stating that for any project including the present project, the DPRs are prepared by the PMGSY Cell and sent to Jorhat for vetting where some corrections are made, but no fresh DPR is/are prepared. Then the corrected DPRs are sent to Delhi and once approved, the DPRs are uploaded online including the overwriting and the corrections, and basing on the corrected DPRs, sanctions are then released accordingly. She had further stated that in the present DPR, overwriting and corrections were made in only **three (3) pages** and a copy of the corrected DPR had already been furnished to the applicant (now appellant). The DPR was shown to the applicant (now appellant) and on comparing with the copy of the DPR which was earlier furnished to him, the applicant (now appellant) had expressed his satisfaction.

Regarding **query No. 1(c)**, the applicant (now appellant) stated that the reply was partial as drawings/ sketches were not furnished. In response, Er. Kito Anche, Executive Engineer & PIO, PWD (R&B), Kiphire Division stated that the drawings/ sketches were missed out during the compilation and photocopying, but it was not intentional. He further informed that some new drawings/ sketches were added since the project started in 2019 and the complete drawings/ sketches are available and can be now furnished.

On being asked by the Commission as to why the applicant (now appellant) had, in his first appeal dated 28.03.2024 stated that he chose not to request for personal hearing, but later on 20.04.2024 and on 24.04.2024, he had requested the First Appellate Authority (FAA) for personal hearing, the applicant (now appellant) replied that since he was staying in Dimapur and he wanted the information by Speed Post, he chose not to request for personal hearing. However, on getting the information, since he was not satisfied, he had then requested the FAA for a hearing. The FAA, Er. P.I. Imna Ao, (formerly Chief Engineer) Engineer-in- Chief, NPWD, Nagaland, Kohima had scheduled for the hearing on 10.05.2024, however, since the applicant was out of station and did not appear for the hearing, the FAA had cancelled the hearing.

The Commission observed that the applicant (now appellant) had sent the RTI application dated 15.02.2024 to the Executive Engineer, Kiphire by **Speed Post** on 16.02.2024 and as per the **Delivery Conformation Status**, it was delivered on **20.02.2024**, but since there was no reply, he had submitted first appeal dated 28.03.2024.



Er. Kito Anche, Executive Engineer, PWD (R&B), Kiphire Division stated that he had received the RTI application only on 27.02.2024, however before he could furnish the information, there was a total shutdown called by the ENPO (Eastern Naga Public Organisation) from 08.03.2024 to 21.03.2024 in all the ENPO areas and there was complete restriction of movements including construction works. On lifting of the total shutdown, he had submitted the information to the Chief Engineer on 05.04.2024, and the information was furnished to the applicant (now appellant) on 12.04.2024 which the applicant (now appellant) collected/received on 15.04.2024.

The Commission further observed that from the date of receipt of the RTI application dated 15.02.2024 on 27.02.2024 to the date of furnishing of the information to the applicant on 12.04.2024, there was a total of 45 days, and considering the 30 days time limit mandated by the RTI Act in furnishing the information, the days of delay becomes,  $45 - 30 = 15$  (fifteen) days for which penalty was attracted. However, on account of the total shut down explained above, the Commission took a lenient view and condoned the delay and hence the penalty.

### ORDER

On the above observations and findings, the Commission ordered that:-

1. Er. Kito Anche, Executive Engineer & PIO, PWD (R&B), Kiphire Division shall furnish the following to applicant (now appellant) within fifteen (15) days from the date of receipt of this decision, with a copy to this Commission:-
  - a. Regarding query No. 1(b), corrections made in the **three (3) pages** of the DPR.
  - b. Regarding query No. 1(c), the drawings/sketches including the new additions.
  - c. Regarding query No. 2, the certified copies of Measurement Books wherein the measurement with respect to work order were recorded.
2. On receipt of the above information from the PIO, the applicant(now appellant) shall submit satisfaction/non-satisfaction to the public authority within fifteen (15) days from the date of receipt of the information and with a copy to the Commission.

Decision pronounced in the presence of both the parties i.e the respondents and the applicant (now appellant) on 17.07.2024 at 12:00 noon.

Copies be given to:

1. Er. P.I. Imna Ao, Engineer-in- Chief & FAA, PWD (R&B), Nagaland, Kohima, Mobile No. 9436016005.
2. Er. S. Lisela Sangtam, EE (D) IV & APIO, PWD (R&B), Kohima, Nagaland, Mobile No. 8131066121.
3. Er. Kito Anche, Executive Engineer & PIO, PWD (R&B), Kiphire Division, Kiphire, Nagaland, Mobile No. 8974848948.
- ✓ 4. The Computer Programmer, Nagaland Information Commission for uploading on the website.
5. The applicant (now appellant), Shri. Ato Yimchunger, House No- 262, Ekranipather Village, P.O Eralibil- 797115, Dimapur, Nagaland, Mobile No. 8974695697.
6. Office Copy.

Sd/-

**I. MEYIONEN JAMIR**

Chief Information Commissioner

Sd/-

**T. KEKONGCHIM YIMKHIUNG**

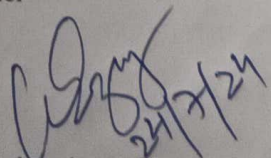
State Information Commissioner

Sd/-

**NOSAZOL CHARLES**

State Information Commissioner

Authenticated true copy:

  
(Worhonthung Ezung)

Deputy Secretary