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No. NIC/APPEAL-18/2025-26/43

Dated Kohima, the 18th February, 2026

Appellant : Shri. Apfhe-O Sote,
President,
P. Khel Landowners' Association,
Kohima village, Nagaland,
Mobile No. 8014269905.

Respondents : (i) Smti. S. Tainu,
Secretary & FAA,
Health & Family Welfare Department,
Nagaland, Kohima.

(ii) Dir. Prof. Dr. Soumya Chakraborty,
Director-cum-Dean,
Nagaland Institute of Medical Sciences (NIMSR),
Kohima, Nagaland.

(iii) Er. Limadangit Walling,
Executive Engineer,
Medical Engineering Division,
Kohima, Nagaland.

Public Authority : Nagaland Institute of Medical Sciences (NIMSR), Kohima.

Date of hearing : 13.02.2026 at 11:30 AM.

Date of Decision : 18.02.2026

Present:

1. Smti. S. Tainu, Secretary & FAA, Health & Family Welfare Department, Nagaland, Kohima, Mobile No. 8730090843.
2. Dir. Prof. Dr. Soumya Chakraborty, Director-cum-Dean, Nagaland Institute of Medical Sciences (NIMSR), Kohima, Nagaland, Mobile No. 9163512442.
3. Er. Limadangit Walling, Executive Engineer, Medical Engineering Division, Kohima, Nagaland, Mobile No. 9774643402.
4. Er. Asvile Liegise, SDO, Medical Engineering Division, Kohima, Nagaland, Mobile No. 9205073634.
5. Er. Jemimah Thong, JE, Medical Engineering Division, Kohima, Nagaland, Mobile No. 9366455221.
6. The applicant(now appellant), Shri. Apfhe-O Sote, President, P. Khel Landowners' Association, Kohima village, Nagaland, Mobile No. 8014269905.

FACT OF THE CASE

An applicant, Shri. Apfhe-O Sote, President, P. Khel Landowners' Association, Kohima Village, Nagaland, Mobile No. 8014269905 had submitted five (5) RTI applications dated 17.02.2025, 18.03.2025, 10.04.2025, 13.05.2025 and 19.06.2025 to the PIO, NIMSR, Kohima. In response to the above RTI applications dated 17.02.2025, 18.03.2025 and 10.04.2025, the replies

had been given on **25.02.2025**, **02.04.2025** and **29.04.2025** respectively, whereas regarding the RTI applications dated **13.05.2025** and **19.06.2025**, seeking *"true copy of the NOTICE INVITING TENDER published in the local/National dailies for the work establishment of College of Nursing co-related with college (NIMSR) construction of administrative Block at NIMSR"*, the PIO had transferred to the EE (MED) & PIO, Directorate of Health & Family Welfare on **22.05.2025** and **25.06.2025** respectively.

On not getting any information to the above RTI applications, the applicant had submitted First Appeal dated **11.08.2025** to the FAA, Nagaland Institute of Medical Sciences & Research (NIMSR), Nagaland, Kohima.

On receipt of the above First Appeal dated **11.08.2025**, Dir. Prof. Dr. Soumya Chakraborty, Director-cum-Dean, NIMSR, Nagaland, Kohima had, vide letter **No. NIMSR-10/1/RTI/2023 (Pt-3)/230** dated **11.08.2025**, transferred the RTI application dated **19.06.2025** and First Appeal dated **11.08.2025** to the Commissioner & Secretary, Health & Family Welfare Department, Nagaland, Kohima, stating that no information were given and submitted that all tenders relating to establishment/construction of college at Nursing, NIMSR Administrative Block at the NIMSR Campus were processed under the EE, MED, DHFW.

On non-response of the above First Appeal decision, the applicant (now appellant) had submitted Second Appeal dated **04.11.2025** to the Nagaland Information Commission.

On receipt of the above Second Appeal on **10.11.2025**, the Commission had, vide letter of even dated **08.12.2025**, directed the applicant to clarify or specify against which of the above RTI applications he is appealing before the FAA and to the Commission.

In compliance to the Commission's directive dated **08.12.2025**, the applicant (now appellant) had, vide letter dated **NIL** which was received by the Commission on **18.12.2025**, submitted clarification on his Second Appeal stating that, *"the earlier RTI applications dated 17.02.2025, 18.03.2025, 10.04.2025 and 13.05.2025 were all arising from and connected to the same subject matter and were filed only due to continuous non-response, improper transfer of responsibility and failure of the public authorities to furnish information on the said subject. However, for the purpose of the present proceedings before the Commission, it is humbly clarified that the Second Appeal may kindly be treated as pertaining to the latest RTI application alone, all previous RTIs being background and contextual to demonstrate the pattern of denial and delay."*

As clarified above, since the applicant (now appellant) had not received any information pertaining to his RTI application dated **19.06.2025**, the Commission had decided to hear the above mentioned appeal giving opportunity of being heard to all the parties on **13th February, 2026 (Friday) at 11:30 AM in the Hearing Room of Nagaland Information Commission, Nagaland Commissions' Complex, New Capital Complex, Nagaland, Kohima** and the following parties were notified 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. The Commissioner & Secretary & FAA, Health & Family Welfare Department, Nagaland, Kohima.
2. Dir. Prof. Dr. Soumya Chakraborty, Director-cum-Dean, Nagaland Institute of Medical Sciences (NIMSR), Kohima, Nagaland.
3. Er. Limadangit Walling, Executive Engineer, Medical Engineering Division, Kohima, Nagaland.
4. The applicant(now appellant), Shri. Apfhe-O Sote, President, P. Khel Landowners' Association, Kohima village, Nagaland, Mobile No. 8014269905.

OBSERVATIONS AND FINDINGS:

During the hearing, the applicant (now appellant) stated that he had asked whether *NOTICE INVITING TENDER* (hereafter NIT) was tendered or published in the local or national papers, however, he was replied that NIT was put on the Notice Board, hence not satisfied.

Smti. S. Tainu, Secretary & FAA, Health & Family Welfare Department, Nagaland, Kohima explained that on the receipt of a DO letter No. Z.16015/2/2023-N dated 28.04.2023 from the Secretary, Ministry of Health & Family Welfare, New Delhi to submit proposal for establishing of new college of nursing under the Centrally Sponsored Scheme (CSS) **Scheme for augmenting Nursing Education - Establishment of new College of Nursing in co-relation with Medical Colleges** within **fifteen (15) days**, the Principal Director, Directorate of Health & Family Welfare, Nagaland, Kohima was requested vide letter No. HFW-11/B-17/ANM/GNM/2017/321 dated 19.05.2023 to prepare and submit the Detailed Project Report (hereafter DPR). Accordingly, the DPR was submitted by the EE, Medical Engineering Division on 12.12.2024 and the Administrative approval accorded on 18.12.2024 which was in accordance to Rule 139 (iii) of the General Financial Rules (hereafter GFR), 2017, which states that “No work shall be undertaken before issue of Administrative Approval and Expenditure Sanction by the competent Authority on the basis of estimates framed”. Thereafter obtaining the Administrative Approval from the Government, the Department had proceeded with the tendering process as per the Sl. No. 4 of the Memorandum of Understanding (hereafter MOU) and adhering to Rules 130 to 141 of the GFR 2017 and the CPWD Works Manual 2019.

She further submitted that in pursuant to **SOP No. 4/5 of the Standard Operating Procedures for CPWD Works Manual 2022**, the Department had followed manual tendering and published the NIT, and since it was time bound, a tender period of **seven (7) days** excluding holidays was provided. She also clarified that as per the SOP 4/5 from (i) to (iv), there is no provision to publish the tender in any leading or local newspapers and so the NIT was displayed on the department's Notice Board.

Referring to the Serial No. 4 of the Memorandum of Understanding (MOU) between the Government of India, Ministry of Health & Family Welfare and the State of Nagaland on the **Scheme for augmenting Nursing Education - Establishment of new College of Nursing in co-relation with Medical Colleges**, the Commission observed that as submitted by the Public Authority, all rules and codal formalities and procedures have been followed. The MOU is reproduced as shown below:-

The State Government /UT shall follow Rules 130 to 141 of General Financial Rules (GFR), 2017 for works and Rule 142 to 223 for procurement of Goods under the project. The State Government /UT shall also follow CPWD/State PWD manual for Civil Works.

Also, Para 4.7 of the CPWD Works Manual 2019 states that:

4.7 Manual Tendering

In exceptional cases with recorded reasons when manual tendering is resorted due to work requirement instead of e-tendering platform, then in such cases, the general procedure of receipt, opening, dealing with corrections, omissions etc and acceptance of manual tenders is given in SOP 4/5.

And the Standard Operating Procedures (SOP) for CPWD Works Manual 2022 states that:

SOP No. 4/5: Manual Tendering (Refer Para 4.7)

(i) Manual tendering is resorted to as an exceptional case only with well recorded reasons after obtaining prior approval of the next higher authority not below the level of SE or any other authority as notified by the CPWD Directorate from time to time. Tenders are invited only after:

- (a) The work is technically sanctioned*
- (b) The NIT is approved*

(ii) A few sets of tender documents are kept ready in the office of the tender inviting authority to facilitate the intending tenderers to see them if they so desire. A register is maintained by the designated official to obtain the signature of the intending tenderer(s) as a proof of having seen the tender documents.

(iii) Tenders as per prescribed conditions of publicity are received in the office of Engineer-in-Charge/Assistant Engineer. All the tenders in the power of Engineer-in-Charge and higher officers are received in the office of Engineer-in-Charge.

(iv) All the tenders are opened in the presence of such intending tenderers or their representatives as may choose to attend at the time and place, which is advertised. The tenders are entered in the Register Form CPWD 41.

(v) The Divisional Accountant (Sub-Divisional Clerk in Sub-Division) is encouraged to be present at the time of opening of tenders.

(vi) A complete comparative statement of all the tenders received in response to the notice is drawn up in the office of the Engineer-in-Charge. The Officer opening the tender records in his/her own hand in the tender opening register a statement of the "Percentage" or "Lump Sum" tenders received and signs that statement. In the case of item rate tenders, he/she needs to prepare only a list of tenders received.

The processing of tenders and acceptance of tenders are analogous to procedures laid down for E-Tendering and the same may be followed.

The applicant stated that he simply wanted to know about the guidelines and the NIT whether there was table tender or was published on the Notice Board or in the papers.

Er. Limadangit Walling, Executive Engineer, Medical Engineering Division, Kohima replied that the MOU and the guidelines had already shared to the applicant in response to his previous RTI applications. He also clarified that the same yardstick is used to the landowners and other contractors.

On being asked by the Commission, Er. Limadangit Walling, Executive Engineer, Medical Engineering Division, Kohima informed that **the land was outright purchased** and for the construction of NIMSR, out of the total sixteen (16) works, six (6) works were carried out involving the land owners.

Referring to the Memorandum No. LR/4-3/KOH/2003 dated 26.07.2005 and the OM No. LR/LAND-PLCY/5-26/2011 dated 16.04.2018 and 16.08.2018, the Commission observed that the NIMSR had not relied or referred to this OM. The above OM is reproduced below:

"1(a) It has been laid down vide Notification No. LR/4-3/KOH/2003 dated 26.07.2005 that no land shall be acquired free of cost and all land shall be acquired on payment of full compensation as determined by law. No further condition for employment in service or contractual works should be entertained."

As per the above OM, the Commission pointed out that after selling off the land, having land owner's association is baseless and the land owners has no right to claim any compensation or contract works. In fact, the land owners should monitor whether the works are being done sincerely. The Public Authority had already explained that though the NIT was done and displayed on the Notice Board, it was not published in the papers due to the time bound in nature and there was no obligation or mention in the MOU or the SOP for publishing the NIT in the papers. However, all rules and procedures have been duly adhered to and that the works had already been started and nearing completion.

Er. Limadangit Walling, Executive Engineer, Medical Engineering Division, Kohima stated that the RTI application dated 19.06.2025 was transferred to him on 25.06.2025 and he had received it on the same date i.e. 25.06.2025, however no reply was given since he thought that all the replies had been furnished in response to the applicant's previous RTI applications which were similar to the instant RTI matter.

From the date of receipt of the RTI application dated 19.06.2025 on 25.06.2025, till the date of this hearing, since no reply was given, it has attracted the maximum penalty. However, on scrutiny of the previous RTI applications and the replies of Er. Limadangit Walling, Executive Engineer, Medical Engineering Division, Kohima, the Commission had observed that "*true copy of the NIT published in the local/National dailies for the work establishment of College of Nursing co-related with college (NIMSR) construction of administrative Block at NIMSR*" as sought by the applicant(now appellant) could not be provided since the said NIT was not published in the local/National dailies as explained above by the public authority, and instead a copy of the NIT issued/published vide No. MED/ENGG/NIMSR/TENDER/2023-24 dated 09.12.2024 and the photograph of the said NIT displayed on the department's Notice Board were furnished to the applicant (now appellant) earlier. Hence, the Commission took a lenient view and condoned the delay.

DECISION

On the above observations and findings, since a copy of the NIT and the photograph of the said NIT displayed on the department's Notice Board had already been furnished to the applicant (now appellant), and that sufficient explanation and clarification regarding the NIT had already been given by the public authority, the Commission decided to dispose of the case. However, the Public Authority is advised to advertise for open tendering of all works wherever there is provision in the guidelines of other projects and schemes in future.

Decision pronounced in the presence of both the parties on 13.02.2026 at 11:30 AM.

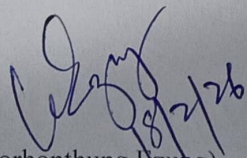
Copies be given to:

1. Smti. S. Tainu, Secretary & FAA, Health & Family Welfare Department, Nagaland, Kohima, Mobile No. 8730090843.
2. Dir. Prof. Dr. Soumya Chakraborty, Director-cum-Dean, Nagaland Institute of Medical Sciences (NIMSR), Kohima, Nagaland, Mobile No. 9163512442.
3. Er. Limadangit Walling, Executive Engineer, Medical Engineering Division, Kohima, Nagaland, Mobile No. 9774643402.
4. The applicant(now appellant), Shri. Apfhe-O Sote, President, P. Khel Landowners' Association, Kohima village, Nagaland, Mobile No. 8014269905.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website.
6. Office Copy.

Sd/-

KEVISA KENSE (IAS Retd.)
Chief Information Commissioner

Authenticated true copy:


(Worhonthung Ezung)
Deputy Secretary