



MIZORAM INFORMATION COMMISSION

(Under the RTI Act, 2005)

MINECO, KHATLA, AIZAWL

Landline: 0389-2334833 / **Email:** mic.mizoram@gmail.com / **Website:** mic.mizoram.gov.in

Case No. S.A. 360/2026-MIC

*Naba Jyoti Kalita,
Athgaon, Guwahati.*

...Appellant

Vs

*1. Patrick P.C. Malsawmtluanga,
former SPIO & Executive Engineer,
P&E, E-in-C.*

...Respondents

*2. Lalthankimi,
present SPIO & Chief Engineer,
P&E, E-in-C.*

RTI application filed on	:	18.11.2025
SPIO replied on	:	17.12.2025
First Appeal filed on	:	16.04.2026
FAA issued order/replied on	:	03.06.2026
Second Appeal received on	:	20.05.2026
Date & Time of hearing	:	11.06.2026 at 01:00 PM.
Date of decision	:	11.06.2026

Pu John Neihlaia, State Chief Information Commissioner presided over the hearing. Pu Mangjangam Touthang, State Information Commissioner and Dr. Lalzirmawia Chhangte, State Information Commissioner were present and participated in the hearing.

FACTS EMERGING DURING THE HEARING:

1. The applicant made a request for information under Section 6(1) of the RTI Act, 2005 concerning public records for the online EPC Tender NIT No. P-13012/3/14-E-in-C(PM)/52, dated 19.09.2025. The applicant requested the following specific details in soft copy, to be provided before the finalization of the work: -
 - i. Total number of bidders who submitted bids.
 - ii. Names and addresses of all bidders.

- iii. Complete technical bids submitted by each bidder i.e. all uploaded documents on online portal
- iv. Technical evaluation status of each bidder – whether technically qualified or disqualified, along with the technical evaluation report/reasons recorded.
- v. Complete minutes of the Pre-Bid Meeting dated 25.09.2025.
- vi. Justification for including “NE Hilly Area experience” in the tender.

2. The SPIO furnished information to the appellant enclosing a PDF document containing 2026 pages. However, more than 1000 pages in the PDF provided is very low resolution and illegible. The appellant then submitted First Appeal on grounds that the reply furnished by the SPIO is incorrect, incomplete, and not responsive to the specific queries raised in the RTI application and that the SPIO failed to furnish complete minutes of the Pre-Bid Meeting dated 25.09.2025 as well as justification for including “NE Hilly Area experience” in the tender.

3. The FAA responded to the First Appeal only on 03.06.2026 attaching a copy of the complete pre-bid meeting dated 25.09.25 and informed the appellant that there is no written record for justification of NE Hilly Area Experience. It may be put on record that the FAA provided the reply after Second Appeal was preferred.

4. The appellant preferred Second Appeal as he had only received the RTI Online automatic response – “No Answer (Computer Generated)” and as mentioned above, the FAA had not provided any reply at that time. Although summons were duly issued and the appellant was afforded the opportunity to attend the scheduled hearing via video conferencing due to his out-of-state residency, he failed to appear without giving prior notice to the Commission. Both the respondents appeared in person.

5. During the hearing, the former SPIO apologized to the Commission for the lapse. He explained that the appellant’s complaint regarding the information provided being not readable is due to the fact that the PDF had been highly compressed, resulting in low resolution and blurry pages.

OBSERVATIONS: -

1. It is evident that while the appellant contended that the SPIO failed to provide a justification for including the “NE Hilly Area experience” criteria in the tender and that complete minutes of the Pre-Bid Meeting was also not furnished, the SPIO did, in fact, addressed both these queries in his reply, and the FAA subsequently clarified that no separate written record exists for such a justification. Under Section 2(f) of the RTI Act, 2005, "information" is strictly defined as any material existence in any form, including records, documents, memos, or opinions held by a public authority. The RTI Act only mandates the disclosure of pre-existing public records and does not obligate a

public authority to create information, formulate fresh justifications, or provide speculative explanations where no physical record exists.

2. The Commission expresses strong dissatisfaction with the former SPIO for charging the appellant a fee of Rs. 4,050/- for a PDF document containing 2,026 pages. This charge directly violates Rule 4(a) of the Mizoram RTI Rules, 2010, which prescribes a rate of only Re. 1 per page. The correct amount that should have been collected by the SPIO for providing the information is Rs. 2060/- and the surplus overcharged should accordingly be refunded to the appellant.

3. The SPIO further violated the spirit and provisions of the RTI Act by furnishing the requested data in an illegible PDF format. Although the applicant paid the required fees for a document spanning over two thousand pages, the digital copy provided was severely blurred, pixelated, and unreadable, rendering the information practically useless. Supplying a document in such a deficient state defeats the core objective of the RTI Act, which mandates the disclosure of clear, transparent, and meaningful public records. By providing a low-quality, unreadable scan, the SPIO effectively caused a constructive denial of information, failing in his statutory duty to facilitate true access to public records. Consequently, the former and present SPIOs are strongly advised to familiarize themselves thoroughly with the provisions of the RTI Act and the Mizoram RTI Rules to ensure strict compliance in future matters.

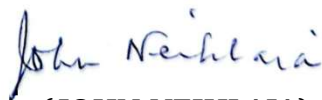
4. The Commission also observes with profound dissatisfaction that the First Appellate Authority (FAA) has violated the statutory provisions of the RTI Act by failing to decide the appeal on time, even if he later provided the information. Under **Section 19(6)** of the RTI Act, 2005, the FAA is legally mandated to dispose of a First Appeal within **30 days** of receipt. In exceptional cases, this can be extended to a maximum of **45 days**, but the FAA must record the reasons for the delay in writing. Ignoring the timeline entirely is a direct breach of this statutory duty. Merely supplying the information at a later stage does not absolve the FAA of this serious procedural lapse, nor does it regularize the delay. By bypassing the requirement to pass a formal, timely, and reasoned order, the FAA undermined the quasi-judicial nature of the appellate process.

5. For every First Appeal received, the FAA, being vested with quasi-judicial powers, should hear both the parties viz appellant and respondent instead of sending a reply to the RTI query. The FAA shall, in every case inform the date of hearing at least seven (7) clear days before the date fixed as per Rule 7 (5) (a) of the Mizoram RTI Rules, 2010. Order of the FAA shall be pronounced in open court and be in writing, duly authenticated by the FAA, for this purpose. Pu Ngursailova Sailo, FAA & Engineer-in-Chief is informed to strictly adhere to the relevant provisions of the RTI Act/Rules for every First Appeal received by him in future.

DECISION: -

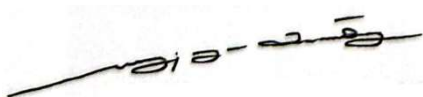
In view of the above, **the Commission hereby directs that Pi Lalthankimi, SPIO & Chief Engineer, P&E, E-in-C, shall provide the information, free of cost, to the appellant not later than 18.06.2026 (Thursday).** She is also instructed to explain to the appellant as to why some of the pages in the uploaded PDF document are not legible, and that the original documents can be inspected at the office if the appellant so desires. Further, Pi Lalthankimi shall take necessary action to refund the surplus overcharged balance of **Rs. 1,990/-** directly back to the appellant and submit compliance report to the Commission.

The appeal is disposed of accordingly. Copy of decision to be given, free of cost, to all the parties.



(JOHN NEIHLAIA)

State Chief Information Commissioner
Mizoram Information Commission



(MANGJANGAM TOUTHANG)
State Information Commissioner
Mizoram Information Commission



(DR. LALZIRMAWIA CHHANGTE)
State Information Commissioner
Mizoram Information Commission

Memo No. S.A. 360/2026-MIC

Dated Aizawl, the 11th June, 2026

Copy to: -

1. Naba Jyoti Kalita, Athgaon, Guwahati, Ph: 9577727220.
2. Patrick P.C. Malsawmtluanga, former SPIO & Executive Engineer, P&E, E-in-C, Ph: 9612505336.
3. Lalthankimi, present SPIO & Chief Engineer, P&E, E-in-C, Ph: 9436155329.
4. Ngursailova Sailo, FAA & Engineer-in-Chief, P&E, E-in-C, Ph: 9612738586.



(LILY)

Secretary

Mizoram Information Commission

Mizoram: Aizawl