

MIZORAM INFORMATION COMMISSION

(Under the Right to Information Act, 2005)

MINECO, KHATLA, AIZAWL - 796001

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

Second Appeal No. S.A. 418, 419 & 420/2026-MIC

*Samuel Lalchhandama,
Chanmari West.*

...Appellant

Vs

*Denny Lalchhuanawma,
SPIO & Under Secretary,
Tourism Department.*

...Respondent

Date & Time of hearing : 25.09.2026 at 01:00 Noon.

Date of decision : 25.09.2026

Relevant facts emerging from the Second Appeal

RTI applications filed on	: 10.07.2026
SPIO replied on	: NIL
First Appeals filed on	: 10.08.2026
FAA issued order/replied on	: NIL
Second Appeals received on	: 10.09.2026

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.

The appellant and respondent took an oath before commencement of the hearing.

1. The appellant submitted three online RTI applications seeking information as follows: -

Regarding Ardeco Design Build (Registered as S.A. 418/2026)

- 1) *What is the basis on which Ardeco Design Build is engaged as Consultant for construction of PM Ekta Mall at Aizawl*
- 2) *Please give copy of eligibility criteria fixed for engagement as Consultant.*
- 3) *Please give copies of tender or expression of interest for engagement of consultant.*
- 4) *Please give copy of the terms of reference for engagement of consultant.*

- 5) *Please give copy of the agenda notes and the minute of the SWAB for agreement of the consultant.*
- 6) *Please give copy of the Agreement signed with Ardeco Design Build.*
- 7) *Please give the terms and conditions for release of payments.*

Regarding IIFCL Projects Ltd (Registered as S.A. 419/2026)

- 1) *1. What is the basis in which IIFCL Projects Ltd. is engaged as Project Monitoring Unit for Construction of Ekta Mall at Aizawl.*
- 2) *2. Please give copy of eligibility criteria fixed for engagement as Project Monitoring Unit.*
- 3) *3. Please give me copies of tender or expression of interest for engagement as Project Monitoring Unit*
- 4) *4. Please give copy of terms of reference of Project Monitoring Unit.*
- 5) *5. Please give copy of the agenda notes and the minutes of the SWAB for appointment of the Project Monitoring Unit.*
- 6) *6. Please give copy of the Agreement signed with IIFCL Projects Ltd.*
- 7) *7. Please give the terms and conditions for release of payments.*

Regarding HITES Ltd. (Registered as S.A. 420/2026)

- 1) *What is the basis on which HITES Ltd is engaged as Executing Agency for construction of PM Ekta Mall at Aizawl*
 - 2) *Please give copy of eligibility criteria fixed for engagement as Executing Agency.*
 - 3) *Please give copies of tender or expression of interest for engagement of Executing Agency.*
 - 4) *Please give copy of the terms of reference for engagement of Executing Agency.*
 - 5) *Please give copy of the agenda notes and the minute of the SWAB for agreement of the Executing Agency.*
 - 6) *Please give copy of the Agreement signed with HITES Ltd*
 - 7) *Please give the terms and conditions for release of payments.*
 - 8)
2. These Second Appeals have been preferred by the appellant against the inaction of both the SPIO and FAA. As scheduled, hearing was held where the respondent SPIO and the appellant accompanied by Pu R. Vanlalvena and Pu Vanlalzuata were present in person.

3. The appellant submitted that neither the SPIO nor the FAA had taken any action on the RTI applications and the First Appeals, respectively. He expressed serious concern over such inaction and submitted that the failure to attend to the RTI applications and the subsequent First Appeals demonstrated a lack of due attention to matters arising under the RTI Act, 2005. The appellant emphasized that RTI applications and appeals are statutory matters which require due consideration and timely action by the concerned authorities. He therefore urged that, in future, RTI applications and appeals be accorded the requisite importance and dealt with promptly and strictly in accordance with the provisions of the Act.
4. The SPIO tendered an apology to the Commission for the lapse on the part of the Department and explained that the RTI Online portal continued to reflect the account of the former SPIO, while the account of the former First Appellate Authority (FAA) also remained reflected in the system. The SPIO further informed the Commission that his account has since been updated, whereas the process of updating the FAA's account is presently underway.

OBSERVATIONS: -

1. The Commission takes serious note of the failure on the part of the SPIO to take appropriate and timely action on the RTI application received through the RTI Online portal, in accordance with the procedure prescribed under the Right to Information Act, 2005. The Commission reiterates that, upon receipt of an RTI application, the SPIO bears a statutory responsibility to ensure that the application is duly attended to and disposed of within the period prescribed under Section 7(1) of the Act, and that the decision is duly communicated to the applicant.

The failure to take any action on the application within the prescribed period constitutes a lapse in the discharge of the statutory duties entrusted to the SPIO. Administrative or technical difficulties relating to the RTI Online portal cannot, by themselves, justify or excuse failure to discharge the statutory obligations imposed by the Act.

The SPIO is, therefore, strictly cautioned to exercise due diligence in dealing with RTI applications and to ensure that every application received, whether through the online portal or otherwise, is duly monitored and acted upon within the prescribed time and in strict compliance with the provisions of the RTI Act, 2005. The SPIO shall take necessary measures to ensure that such lapses do not recur in future.

2. The Commission observes that the information sought includes finalized agreement entered into between the Government and a commercial entity in relation to the discharge of governmental functions and the utilization or management of public resources.

The Commission further observes that once an agreement has been finalized and entered into by the Government, the terms and conditions governing such arrangement assume a public character, particularly where the agreement concerns the exercise of governmental functions, public expenditure, public assets, or services provided to the public. Transparency in such matters enables citizens to ascertain the obligations undertaken by the Government and the terms under which public resources or governmental authority are being utilized.

The Commission is therefore of the view that disclosure of the finalized agreement serves a legitimate public interest by promoting transparency and accountability in governmental dealings with commercial entities.

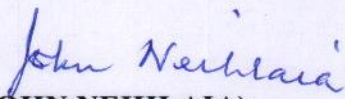
3. The Commission observes that the First Appellate Authority (FAA) failed to take appropriate action on the First Appeals, including conducting a hearing and disposing of the appeals in accordance with the provisions of the Right to Information Act, 2005. The FAA, being the authority designated to examine the grievance of an applicant at the first appellate stage, is expected to consider the appeal objectively and provide the appellant a reasonable opportunity to present his case, where necessary, before passing an appropriate order. Failure to conduct a hearing and dispose of the appeal in a timely manner defeats the purpose of the first appellate mechanism contemplated under the Act. The FAA, Tourism Department (Secretariat) is, therefore, informed to accord due importance to RTI matters and to ensure strict compliance with the statutory requirements and prescribed timelines in future.

DECISION: -

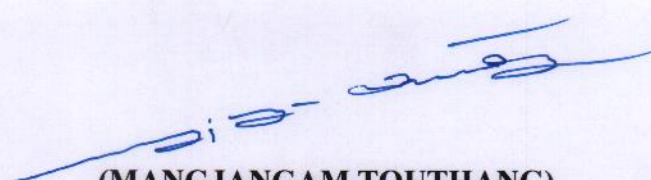
In view of the above, **the Commission hereby directs Pu Denny Lalchhuanawma, SPIO & Under Secretary, Tourism Department to furnish the information sought, free of cost, to the appellant not later than 14.10.2026 (Wednesday).**

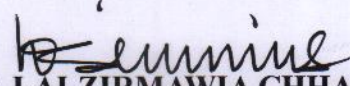
The SPIO shall also submit compliance report along with copies of all the information provided to MIC.

The appeals are disposed of accordingly. Although there is no provision for appeal in the RTI Act, 2005 on the decision of the Commission, concerned parties are hereby informed that a constitutional remedy of judicial review by way of Writ Petition under Article 226 of the Constitution before the High Court having jurisdiction is available, in case they are not satisfied with this decision.


(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

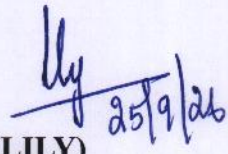


Memo No. S.A. 418, 419 & 420/2026-MIC

Dated Aizawl, the 25th September, 2026

Copy to: -

1. Samuel Lalchhandama, Chanmari West, Aizawl, Mizoram, Ph: 9615470745.
2. Denny Lalchhuanawma, SPIO & Under Secretary, Tourism Department,
Ph: 9862359169.
3. Dr. Lalrozama, FAA & Commissioner/Secretary, Tourism Department,
Ph: 9436141549.


(LILY)

Secretary

Mizoram Information Commission

Mizoram: Aizawl