

GOA STATE INFORMATION COMMISSION

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Appeal No. 269/2024/SCIC

Mr. Prajyot Sonu Korgaonkar,
R/o. H. No. 546, Chonsaiwada,
Parcem, Pernem-Goa.

----Appellant

V/s

1.The Public Information Officer,
O/o. The Executive Engineer,
Works Division XVII (WS), PWD
Alto, Porvorim-Goa.

2.The First Appellate Authority,
PWD Office, Altinho,
Panaji-Goa.

-----Respondents

Shri. ARAVIND KUMAR H. NAIR - State Chief Information Commissioner, GSIC

Relevant Facts Emerging from the Appeal

RTI application filed on	- 05/07/2024
PIO replied on	- 22/08/2024
First Appeal filed on	- 23/08/2024
First Appellate order on	- 12/11/2024
Second appeal received on	- 05/12/2024
Decision of the Second Appeal on	- 02/07/2025

Information sought and background of the Appeal

1. Shri. Prajyot Sonu Korgaonkar filed an application dated 05/07/2024 under RTI Act, 2005 to the PIO, O/o The Executive Engineer, W.D. XVII(WIS) PWD, Alto Porvorim seeking following information :
 - i. *"Certified copy of latest PWD Water Bill issued to Shri. Swapnil Shantaram Naik, R/o. H.No. 545.545/B-2, Palniwada, Chonsaiwada, Parcem, Pernem Goa.*
 - ii. *Certified copies of all the documents submitted by above said Mr. Swapnil Shantaram Naik to obtain water connection for his house.*
 - iii. *Certified copies of all the documents submitted by following consumers to obtain water connection.*
 - a. *Rajaram Krishna Naik - Consumer code PD3B010200.*
 - b. *Shantaram Rajaram Naik -Consumer code PD3B010206A.*
 - c. *Tulshidas Vasant Naik - Consumer code PD3B010200A1.*
 - d. *Naresh Vasant Naik - Consumer code PD3B01098A.*
 - e. *Anil Vasant Naik - Consumer code PD3B010206A2".*

2. In response to the RTI application, PIO (Executive Engineer, W.D. XVII (W.S), PWD vide letter dated 22/08/2024 replied as under :

"With reference to your application dated 05/07/2024, it is informed by the APIO, Revenue-I, WD. XVII (WS), PWD, Pernem that the information in respect of Sl. No. 1 and 2 is available (19 pages) whereas information pertaining to Serial No.3 is not traceable".

3. Being aggrieved over not getting information in respect of Point No.3 of his RTI application dated 05/07/2024, Appellant filed first appeal dated 23/08/2024 before the First Appellate Authority.
4. Hearing in first appeal was held on 17/09/2024, 08/10/2024, 22/10/2024 and 12/11/2024. During the final hearing on 12/11/2024, Respondent PIO submitted that search of file sought by the Appellant is in process and out of 19,000 files only 3650 files have been verified till date and 15,000 files are yet to be checked. Respondent PIO further submitted that they will provide the information as soon as the concerned files are traced.
5. After going through the submission and hearing the parties, FAA (SSW, PWD) vide order dated 12/11/2024 directed the Respondent PIO "to trace the records/file as sought by the Appellant and issue to the Appellant".
6. Subsequently, Appellant filed Second appeal dated 05/12/2024 before the Commission stating that -
- i. *Respondent No. 1 (PIO) furnished information with regard to Point No.1 and 2 only of the RTI application dated 22/08/2024 and failed to provide information to the remaining Point No.3.*
 - ii. *Despite FAA vide order dated 12/11/2024 directed the PIO to furnish information PIO did not furnish information with regard to Point No.3 of the RTI application.*

Appellant prayed the Commission to call for records concerned to the subject matter of the appeal, direct the Respondent PIO to furnish information at the earliest and impose penalty on Respondent PIO for failing to furnish information.

FACTS EMERGING IN THE COURSE OF HEARING

7. Pursuant to the filing of the present appeal by the Appellant, matter was fixed for hearing on 27/02/2025 for which Appellant present but Respondent PIO absent. Shri. Nanda P. Kamat Dhakankar, APIO and A.E, Revenue-I, WD XVII (W.S), PWD and Shri. Amit A. P. Verlekar, Surveyor of Works Division II, PWD appeared on behalf of the Respondent PIO and FAA respectively. FAA's representative filed written submission dated 27/02/2025 stating that he had passed an order directing the Respondent PIO to trace the records/files referred by the Appellant and to issue the same to the Appellant.

PIO's representative orally submitted that the information sought at Point No.3 in the RTI application dated 05/07/2025 pertaining to the documents/details about five water connections obtained by five different consumers could not be traced. Presiding Commissioner directed the Respondent PIO to conduct a thorough search to trace the concerned documents/files.

8. Matter was taken up for further hearing on 02/04/2025 for which Appellant and authorised representative of the Respondent PIO present. Respondent PIO's representative submitted that there are 15000 files and they are making sincere efforts to trace the concerned files.

9. Appellant and Respondent PIO's representative/APIO present for the hearing held on 21/04/2025. Appellant placed a request for a longer date as some inquiries are on the matter related to his RTI application is likely to be settled within some days. Accordingly, the matter adjourned to 29/05/2025.

10. When the matter called for hearing on 29/05/2025, APIO and authorised representative of the PIO filed a letter addressed to the A.E, SD-I (O and M), WD-II, DDW, Pernem Goa by the A.E, SD-I, (Revenue-NRW), WD-II, DDW, Pernem Goa stating that before 10,000 plus files were searched to furnish the information sought by the Appellant but the concerned files are not traced so far. The letter made a request to

the O and M, Sub Division to make necessary search in their file storage on the ground that revenue section was earlier functioning under the direct supervision of O and M office and Engineers.

11. In response to the above letter, A.E-I (O and M) replied on 05/06/2025 that the files in question after approval of water connection, marked to Revenue office for payment and after payment the files are marked to concerned ledger clerk of revenue section. This letter confirmed that said files are not available with O and M office.

12. Final hearing in the matter was held on 02/07/2024 for which Appellant and PIO's representative as well as APIO filed detail written submission with regard to the efforts made by his office to search the concerned files. The submission stated that -
 - i. Pursuant to the RTI application dated 05/07/2025 filed by the Appellant, a comprehensive and diligent search was undertaken by the office of AE-SD-I, (Revenue/NRW), Pernem.
 - ii. Information in respect of Point No.1 and 2 has already been provided to the Appellant.
 - iii. Point No.3 of the RTI application, Appellant sought information pertaining to water connection files of five individual consumers but despite on in depth search, said files could not be located.
 - iv. As part of further proactive steps during the pendency of the hearing in the matter a formal communication was made to the office of the A.E SD-I (operations and maintenance), WD-II, Pernem for necessary search of therecords at their end but the concerned files were not found in their custody.
 - v. Some of the records pertain to the year 2008 and due to passage of time, administrative reorganisation and shifting of offices such files might have misplaced or lost.
 - vi. Nearly 15,000 files in possession of the office were checked but the files related to the Appellant's RTI application could not be traced.

COMMISSION'S OBSERVATION

- i. Complying with the direction issued by the Presiding Commissioner, APIO, Shri. Nanda P. Kamat Dhakankar and his team could check the entire 15,000 files in their possession but unfortunately the files of the year 2008 pertaining to five individual water consumers of Parcem, Pernem Taluka sought by the Appellant could not be traced by the O/o. Assistant Engineer, SD-I (REV/NRW) WD-II, DDW, Pernem, Goa or O/o . A.E, SD-I (O and M), WD-II, DDW, Pernem Goa.
- ii. *Shri Nanda P. Kamat Dhakankar, Asst. Engineer and his team deserves appreciation for indexing the entire 15,000 files in their custody during the course of their search for the files in respect of five individual water consumers mentioned by the Appellant in his RTI application.*

DECISION

Since the Respondent PIO couldn't locate the information (certified copy of documents submitted by five consumers to obtain water connection) sought by the appellant at Point No. 3 of the RTI application dated 05/07/2024 even after checking the entire 15,000 files, Commission hereby directed the Respondent PIO to explore the possibility of recreating the said files by collecting necessary documents from the said water consumers of Parcem, Pernem Taluka, North Goa.

With the above directions, the present appeal is disposed.

- Proceeding stands closed.
- Pronounced in open Court.
- Notify the parties.

Aggrieved party if any, may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act,2005.

Sd/-

(ARAVIND KUMAR H. NAIR)
State Chief Information Commissioner, GSIC

