

GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No: 120/2018/SIC-II

Bavikara Abdulla Mohammed,
H.No.776,
Nr. Dr. Bhalu Hospital,
Alto Porvorim Bardez –Goa.

.... Appellant

v/s

1.Public Information Officer,
Goa Tourism Development Corporation
Limited,
Paryavaran Bhavan,
Patto, Panaji-Goa.

2.First Appellate Authority,
Goa Tourism Development Corporation
Limited,
Paryavaran Bhavan,
Patto, Panaji-Goa.

....Respondents

Relevant emerging dates:

Date of Hearing : 23-10-2018

Date of Decision : 23-10-2018

O R D E R

1. **Brief facts** of the case are that the Appellant had vide an RTI application dated 14/12/2017 u/s 6(1) of the RTI act 2005 sought certain information from the Respondent PIO, O/o. Goa Tourism Development Corporation Ltd., Patto Panaji-Goa.
2. The information pertains to six different points and the Appellant is seeking (1) certified copies of the action taken report on application submitted by one dated 08/05/2017, 21/08/2017 and 27/10/2017; (2) Certified copy of the action taken report of the process of refunding the tender fees and processing fees to the applicant alongwith notings if any (a) day to day progress and status of the above applications alongwith the notings if any (of point No.1 and 2) (b) file movement index file Movement Register of (of point NO. 1 and 2) (c) Dealing Hand Diary (of point No.1 and 2)... ..2

.... Weekly arrears statement (of point No. 1 & 2) (d) Weekly arrear statement (of point NO. 1 & 2) (e) Books of accounts (of point No. 1 & 2), (f) Meetings held and minutes of the meeting (of point No. 1 & 2) (g) Statements recorded and documents taken or produced on record (of point No.1 & 2) (h) Notices and show cause notices issued and Reply filed (of point No.1 & 2) (i) Orders/decision taken and communicated (of point No.1 & 2) (j) Reasons for not refunding the tender and process fees to the applicant (of point No.1 & 2)

(3) Certified copy of the Order/approval granted to Development of Tourism infrastructure at Mangueshi of Priol village, Ponda Taluka by tender Notice No.GTDC/PC/EE/2017-18/e dated 28/04/2017 and Corrigendum-II No.GTDC/PC/EE/2017-18/e 02-02 dated 15/06/2017 along with reasons for changing the estimated cost of tender with file notings, (4) certified copies of applications received towards above tenders, (5) Certified copy of works undertaken and allotted to each contractor from January 2015 till date and (6) Inspection of respective documents, files, registers etc provided.

3. It is the case of the Appellant that no point wise reply was furnished nor any inspection of record was allowed and the Appellant being aggrieved by the deemed refusal thereafter preferred a First Appeal dated 31/01/2018 and the First Appellate Authority (FAA) vide an Order dated 05/04/2018 disposed off the first Appeal by directing the Respondent PIO to seek information from the dealing Technical Assistant and Accountant, Special purpose vehicle project and furnish the same to the Appellant within two weeks free of cost.
4. The Appellant subsequently finding that despite the direction of the First Appellate Authority (FAA) no information has been furnished filed a Second Appeal case registered before this Commission on 10/05/2018 and has prayed to direct the PIO to furnish the information as per RTI application free of cost and for inspection of records, for penalty disciplinary action and other such reliefs.

5. **HEARING:** This matter has come up before the Commission on several previous occasions and hence it is taken up for final disposal. During the hearing the Appellant is represented by Shrish Dhuri who files a letter stating that he has been authorized by the Appellant to appear on his behalf. The Respondent PIO Shri. Kapil N. Painguinkar is present in person.

6. **SUBMISSIONS:** Shri. Kapil N. Painguinkar at the outset submits that pursuant to the directions of First Appellate Authority a letter dated 06/04/2018 was sent to the dealing Technical Assistant, Special Purpose Vehicle and also to the Accountant and that after collecting the said information from the dealing hand and Accountant, the same was furnished to him vide a letter dated 19/04/2018 in tabulation form.

7. The Respondent PIO further submits that in the said reply in point No.6 the Appellant was requested to visit the office of the PIO on 25/04/2018 at 10.30 a.m. for inspection but the Appellant never turn up for inspection. The Respondent PIO requests the Commission furnished to disposed off the said Appeal case in view that all information has been. The representative of the Appellant Shri Shrish Dhuri submits that he has nothing to say in the matter and that an order may be passed by the Commission as per merits.

8. **FINDINGS:** The Commission on perusal of the material on record indeed finds that although initially the PIO did not reply within the mandatory 30 days period and which is why the Appellant had filed the First Appeal on ground of deemed refusal, however it is seen that after the directions of the FAA, the PIO has immediately addressed a letter dated 06/04/2018, to the dealing Technical Assistant and Accountant and after obtaining the information from them had vide letter dated 19/04/2018 furnished all information in tabulated form.

9. In point No.1 it is mentioned that certified copies of the action taken report on applications dated 08/05/2017, 21/08/2017 and 27/10/2017 is attached as per Annexure –I. In point No.2 it is mentioned that certified copied of the action taken report of the process of refunding the tender fees and processing fees to the applicant alongwith notings is attached as per Annexure-I. In point No (2a) It is mentioned that records as per serial no 'a' to 'i' except 'e' are not maintained by the corporation, In point (2b,c,d,f,g,h,i) it is mentioned to refer to reply is given at 2a, in point 2e it is mentioned that with respect to books of accounts, you may visit this office on 25/04/2018 for inspection, In point 2j, it is mentioned that the cheque towards refund of tender cost is already drawn and sent to the party. In point No.3 it is mentioned that certified copes of the Order/approval is attached as per Annexure –II. In point No. 4 It is mentioned that copies of the application received in receipt of above tenders are attached as per Annexure –III. In point no 5, it is mentioned that certified copy of the works undertaken from January 2015 till date is as per Annexure -IV and in point no 6 it is mentioned to visit the office on 25/04/2018 at 10.30am for inspection.
10. **CONCLUSION/ DECISION**: In view the above, it is confirmed that the PIO has furnished all information on all six points of the Appellant's RTI application dated 14/12/2017 as such the Commission thus come to the conclusion that as information has furnished, nothing further survives in the Appeal case which accordingly stands disposed.

All proceedings in Appeal case stands closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

Sd/-
(Juino De Souza)
State Information Commissioner