

GOA STATE INFORMATION COMMISSION
"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001
E-mail: spio-gsic.goa@nic.in Website: www.scic.goa.gov.in

Appeal No. 119/2024/SCIC

Shri Satpal Singh Chawla,
H. No. 203, Nayankunj,
Ganga Sagar Scheme,
Near Rajinder Nagar,
Sirsi Road, Jaipur,
Rajasthan-303031.
V/s

-----Appellant

1.The Public Information Officer,
Chief General Manager,
Goa State Infrastructure Development Corporation,
E.D.C House, Panaji-Goa.

2.The First Appellate Authority,
Managing Director,
Goa State Infrastructure Development Corporation,
E.D.C House, Panaji-Goa.

-----Respondents

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

Relevant Facts Emerging from the Appeal

RTI application filed on	- 04-07-2023
PIO replied on	- 28-07-2023
First Appeal filed on	- 06-11-2023
First Appellate order on	- 20-12-2023
Second appeal received on	- 20-03-2024
Decision of the Second Appeal on	- 27-03-2025

Information sought and background of the Appeal

- Shri Satpal Singh Chawla filed an RTI application dated 04/07/2023 under RTI Act, 2005 to the PIO, Goa State Infrastructure Development Corporation, Panaji seeking information on nine (09) points related to works awarded for Consultancy Services to M/s. UCJ Architecture & Environment by the Goa State Infrastructure Development Corporation for the last eleven years. The information sought for includes true copies of legal advice(s) provided on contractor’s claims/disputes by M/s. UCJ Architecture & Environment during the last 11 years period.

2. In response to the RTI application, PIO, Goa State Infrastructure Development Corporation vide letter dated 28/07/2023 informed by RTI Applicant by registered AD that *"The available information in respect of your application dated 04/07/2023 is kept ready for issue. The total number of copies of the relevant documents is 2253 in A4 (B/W), 4 in A2(B/W), 5 in A4 (colour) and 56 in A3 (colour) size. You are requested to pay an amount of Rs 5836 by cash or D.D or Bankers cheque drawn in favour of "Goa State Infrastructure Development Corporation limited" payable at Panaji towards cost of copies of documents. The information will be furnished within 3 days upon remitting the above said document."*
3. In response to the PIO's registered letter dated 28/07/2023, RTI applicant Shri Satpal Singh Chawla vide letter dated 10/08/2023 replied to the PIO, Goa State Infrastructure Development Corporation (Shri P.V.K. Nair) enclosing an original Demand Draft No. 045594 dated 10/08/2023 in favour of *"Goa State Infrastructure Development Corporation Limited"* payable at Panaji amounting to Rs 5836/- towards cost of photo copy charges for providing requisite copies under the provisions of RTI Act 2005.
4. On receipt of the amount of Rs. 5836/- being photocopy charges for the documents sought under RTI application dated 04/07/2023, PIO, Goa State Infrastructure Development Corporation vide letter dated 18/08/2023 informed the RTI applicant to collect the information, which kept ready for issue, in person or through an authorised representative during office hours on any working day. PIO's letter further stated that in case the information is required by post pay an amount of Rs. 377/- by cash or DD OR Bankers cheque drawn in favour of 'Goa State Infrastructure Development Corporation Limited' and information will be sent immediately upon remitting the said amount.
5. On receipt of the above said amount of Rs.377/-, PIO, Goa State Infrastructure Development Corporation vide letter dated 18/08/2023 sent information to the RTI applicant by registered post with the request to acknowledged the receipt of the information.

6. Thereafter, the RTI applicant filed his first appeal dated 06/11/2023 by speed post to the First Appellate Authority, Managing Director, Goa State Infrastructure Development Corporation, Panaji, Goa stating that PIO deliberately furnished one Box containing irrelevant, misleading and incomplete information. In the first appeal, Appellant submitted that due to some unavailable circumstances and to read and understand the voluminous irrelevant documents provided by the PIO, Appellant could not submit his first appeal within the thirty days period and therefore requested to condone the delay of 63 days period in submission of first appeal.
7. The FAA (Shri. Harsh Adconkar, Managing Director, Goa State Infrastructure Development Corporation) condoned the delay of 63 days and fixed the matter for hearing on 06/12/2023. Appellant was not present for the hearing held on 06/12/2023 and 11/12/2023 and matter was rescheduled to December 15, 2023 for which Appellant and Respondent PIO were present. The Appellant stated before the FAA that the PIO is duty bound to furnish point wise complete information and irrelevant information was furnished. Respondent PIO submitted that he has furnished relevant information based on the RTI application the Appellant.
8. The FAA observed that the main point for determination is whether the Respondent PIO is by Act required to furnish point wise information.
9. PIO in his reply/argument before the FAA stated that the information/documents for the past 11 years were collected from around 70 staff members and after scrutiny, the said information/documents furnished to the Appellant.
10. After hearing both the parties to the first appeal, FAA held that as per the provisions of the Act, PIO is duty bound to furnish information available on record but is not required to identify the information furnished with the point wise information sought by the Appellant.
11. The FAA vide order dated 20/12/2023 dismissed the first appeal justifying the PIO, who has furnished the available information without identifying with point wise information sought by the Appellant.

12. Aggrieved by the order dated 20/12/2023 passed by the FAA, Appellant preferred Second appeal dated 20/03/2024 before the Commission stating that Respondent PIO supplied irrelevant and misleading information without giving specific point wise information as sought by the Appellant in his RTI application dated 04/07/2023 and FAA dismissed the first appeal without considering the fact that information is available under Section 2(f) of the RTI Act.
13. Appellant further stated in the present appeal that Respondent PIO acted beyond his jurisdiction and FAA, who did not give an opportunity to the Appellant to present his case virtually and upheld the decision of the PIO without considering the pleadings of the Appellant.
14. Appellant prayed before the Commission to give directions to the PIO to provide requisite information completely to maintain the transparency of the Public Authority and to pay compensation under section 19 (8) (b) of the Act to the Appellant as detriment caused.

FACTS EMERGING IN COURSE OF HEARING

15. Pursuant to the present appeal, parties were notified fixing the matter on 27/01/2025 for which Appellant was absent but Respondent PIO appeared in person. FAA was represented by Adv. Vinod Korgaonkar.
16. Respondent No.1 filed written reply dated 27/01/2025 to the appeal. Appellant submitted that all information available with the Goa State Infrastructure Development Corporation was furnished to the Appellant and documents furnished were pertaining to the information sought by the Applicant with regard to the works awarded for consultancy services to M/s. UCJ Architecture & Environment by the Goa State Infrastructure Development Corporation for the last eleven years. Respondent No.1 categorically submitted that no irrelevant or misleading or wrong information was furnished and all the information furnished were those which Appellant had asked in his application under RTI Act, 2005. Respondent No.1 further submitted that amount charged from the Appellant was in accordance with the provisions of the RTI Act and split up

details of the cost of copies of documents provided were given in para 8 of the letter dated 28/07/2023. Respondent No. 1 prayed that the present appeal be rejected on merits as Respondent No.1 provided all available information in time to the Appellant and no information was denied and acted strictly in accordance well as true spirit of the Act.

17. Respondent No.2 (FAA) in the written reply dated 27/03/2025 submitted that the present appeal is not maintainable as the same is frivolous and it is not supported by verification and affidavit. The appeal does not contain documents which are furnished to him to establish that irrelevant documents are provided to him by the Respondent No.1. Respondent No. 2 submitted that the scheme of the RTI Act does not contemplate for collation and creation of the information to furnish to the Appellant. With regard to Appellant's claim of not giving an opportunity for virtual presentation of his matter, Respondent No. 2 submitted that Appellant never sought to appear in the mode of videoconferencing or over phone. Respondent 2 prayed that the present appeal does not have merits and hence it deserves to be dismissed.
18. The matter was taken up for further hearing on 25/02/2025 for which Respondent No.1/PIO appeared in person and Respondent No. 2 was represented by Adv. Vinod Korgaonkar. Respondent No.1 submitted that he has furnished all available information in accordance with the RTI application of the Appellant. When Commission sought his say on the Appellant's claim that irrelevant documents were provided to the Appellant, Respondent No. 1 submitted that Appellant never pointed out which documents are irrelevant or which are the additional documents required by him.
19. With regard to the Commission's query to over Appellant's claim that he was not given on virtual mode and had to spent Rs. 20,000/- appeared on behalf of the FAA, Adv. Vinod Korgaonkar appeared on behalf of the FAA submitted that the Appellant never sought to appear in virtual mode for the hearing in his first appeal.

COMMISSION HAS FOLLOWING OBSERVATION IN THE PRESENT APPEAL :

1. Respondent No.2 is rightly pointed out that the present appeal is not supported by verification and affidavit by the Appellant.
2. Despite serving notice in the given address in the present appeal, Appellant didn't turn up for hearing or sought an opportunity to present his matter before the Commission by virtual mode.
3. Instead of receiving irrelevant documents, as claimed by the Appellant, from the Respondent PIO, the Appellant should have opt for inspection of file/records first and then seek required documents based on inspection.
4. If the Appellant desired a virtual hearing, same request should have formally placed before the First Appellate Authority. Materials available before the Commission does not reveal any such request by the Appellant.
5. Since there was a delay of 63 days in filing first appeal before the First Appellate Authority, it was fit for rejection.
6. PIO need not to create information to furnish to the RTI applicants but the information/ documents furnished should be in accordance with the application filed by the information seekers.
7. General and vague replies/information should be avoid like vague and unspecific queries by the information seekers.
8. If the RTI applicant sought point wise information, the information provided should have matching to such points asked by the Appellant. The reply provided by the PIO should reflect that particular document pertains to particular point in the RTI application.

9. In the RTI application dated 04/07/2023 related to the present appeal, at Point No.1, the Applicant had asked only numbers of works awarded for consulting services through open tender to M/s. UCJ Architecture & Environment by the Goa State Infrastructure Development Corporation and the reply should invariably a number and no records/documents need to be furnished to the Appellant.
10. If the Appellant has the opinion that he has been furnished with irrelevant documents, he could have very well brought the same to the notice of the PIO with the details of such particular irrelevant documents and could have obtain relevant documents.

DECISION

Considering the Respondent No.1's (PIO) submission that he has furnished all available information to the Appellant in accordance with his RTI application dated 04/07/2023 within the time limit, lack of information/documents received by the Appellant along with the present appeal filed by the Appellant to evaluate which are the irrelevant documents furnished by the Respondent PIO and the absence of the Appellant for hearing despite serving notice to the Appellant by the Registry of the Commission by speed post, Commission has come to the conclusion that the present appeal does not warrant further proceedings and fit to dispose without any directions to the Respondents. Hence the matter disposed off today, i.e. 27/03/2025 and proceeding stands closed.

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

Sd/-

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

