

# 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](http://www.scic.goa.gov.in)

## Appeal No. 207/2024/SCIC

Shri Vasudev R. Naik,  
H. No. 3/1206, Ground Floor,  
Flat No.A-1, Near Shishukunj Primary School,  
Housing Board, Gogol,  
Margao-Goa 403601.

----Appellant

V/s

1.The Public Information Officer,  
Executive Engineer,  
Works Division IX (PHE), PWD,  
Fatorda-Goa.

2.First Appellate Authority,  
Superintending Surveyor of Works,  
Public Works Department,  
Altinho, Panaji-Goa.

-----Respondents

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

### **Relevant Facts Emerging from the Appeal**

RTI application filed on	20-05-2024
PIO replied on	04-07-2024
First Appeal filed on	19-07-2024
First Appellate order on	27-08-2024
<b>Second appeal received on</b>	<b>25-09-2024</b>
<b>Decision of the Second Appeal on</b>	<b>20-05-2025</b>

### **Information sought and background of the Appeal**

- Shri Vasudev R. Naik filed an application dated 20/05/2024 under RTI Act, 2005 the PIO (Executive Engineer), Works Division IX (PHE), PWD, Borda, Margao seeking following information with reference to Letter No.PWD/SD-IX/WD-IX/F-52/24-25/60 dated 15/05/2024.

*"Xerox copies of any State Government Act or Notification or Circular wherein it has been prohibited to release Domestic Water Connection to the individual dwelling unit of multi dwelling structure/building."*

- In response to the RTI application, PIO (Shri. V.J. Bhende, Executive Engineer) vide letter dated 04-07-2024 replied enclosing copies of Notification regarding Goa Provision of Water Supply Rules 2023 (Page

No.7 to 25 of Official Gazette, Government of Goa, Series I No.39 dated 28/12/2023).

3. Aggrieved by the reply received from the PIO, Appellant filed first appeal dated 19/07/2024 before the First Appellate Authority stating that as a reply to his RTI application, Respondent PIO vide letter dated 04/07/2024 provided copy of Notification regarding Goa Provision of Water Supply Rules 2023. According to the Appellant, upon perusal of the said Notification provided by the PIO, there is no clause mentioned having the prohibitory provision for release of Domestic Water Connection to the individual dwelling unit of a multi-dwelling structure/building. Appellant further stated in his first appeal that by providing irrelevant, misleading and false information, PIO has wilfully denied the information sought by the Appellant.
4. The First Appellate Authority (SSW/PWD) held hearing in the first appeal on August 2, 13 and 27, 2024 during which, the Appellant asked the Respondent to give the exact reply on which page number and serial number of Government Notification it is mentioned that only one domestic individual water connection to be given. The Respondent PIO clarified that he has provided the Appellant copy of Goa Government Gazette, wherein detailed procedure regarding water connection is specified and there is no more specific information that can be produced as entire procedure for water connection is stated in the Gazette.
5. FAA vide order dated 27/08/2024 disposed off the first appeal without any direction to the Respondent PIO.
6. Aggrieved by the decision of the FAA dated 27/08/2024, Appellant preferred Second appeal dated 25/09/2024 before the Commission stating that information provided by the PIO is totally irrelevant to the point of specific information sought by the Appellant and FAA has failed to take cognizance of the fact that PIO has deliberately provided false, misleading and irrelevant information to very specific and clear query of the Applicant.

**FACTS EMERGING IN COURSE OF HEARING**

7. Pursuant to the Second appeal filed by the Appellant, parties were notified fixing the matter for hearing on 24/02/2025 for which Appellant appeared along with his legal representative Shri Meghashyam Naik. Respondent PIO Shri V. S. S. Karmalkar, Executive Engineer, filed written submission stating that he was not the PIO when RTI application was filed in the office of PWD,W.D IX in February 2024 and the then PIO has been posted to Panaji on promotion as Superintending Engineer. Matter adjourned to 24/03/2025.
8. When the matter took up for hearing on 24/03/2025, Respondent PIO filed written submission dated 24/03/2025 stating that in response to the Appellant's RTI application dated 20/05/2024, information was provided vide letter dated 04/07/2024. Respondent PIO added that he has already furnished entire copies of the Water Supply Rules as notified in the Gazette, wherein detailed procedure regarding water connection is specified. Respondent PIO has filed a copy of the Official Gazette, Government of Goa, Series I No. 33 dated 14<sup>th</sup> November 2024 containing the Notification No.24-17/PWD/PCE-EO/2024-25/138 dated 26/09/2024 issued by the Principal Chief Engineer, PWD. Copy furnished to the Appellant.
9. During the hearing held on 28/04/2025, Respondent PIO filed written submission dated 28/04/2025 stating that :
  - i. The Applicant has been provided with the copy of entire notification regarding Goa Provision of Water Supply Rules 2023, wherein all the details of providing domestic water supply is clearly notified.
  - ii. The office of the Assistant Engineer, S.D.IV/DIV-IX,PWD, Borda, Margao has forwarded a report 03/06/2024 to Executive Engineer, Div. IX, PWD seeking clarification towards release of separate water connection to individual flats in a multi-dwelling unit. The noting of the higher authorities directing one connection to one building considering equitable

water supply to all consumers was also furnished to the Appellant before the FAA.

- iii. The copy of the Official Gazette Series I No.33 dated 14/11/2024 issued by the Principal Chief Engineer regarding release of domestic water connection is also provided to the Appellant during the hearing before the Hon'ble Commission on 24/03/2025.

10. Appellant in his written reply dated 28/04/2025 to the Respondent PIO over filing new document i.e. copy of Official Gazette, Series I, No.33 dated 14<sup>th</sup> November 2024, stated that :

- i. Respondent PIO has deliberately provided the copy of the irrelevant document.
- ii. The Respondent has failed to provide reply to specific query or to provide relevant document.
- iii. Gazette Notification dated 14/11/2024 is issued much later than filing the present appeal dated 24/09/2024 before the Hon'ble Commission and hence the provisions in the said Gazette Notification are not binding on the Appellant's request dated 06/02/2024 for release of Domestic water connection.
- iv. Necessary direction/warning may be issued to the Respondent for filing such irrelevant document/information.
- v. Necessary penalty proceedings may be initiated against the Respondent.

11. The Commission directed the Respondent PIO to furnish proper information/reply or document to the Appellant's RTI query "*provide xerox copies of any State Government Act or Notification or Circular wherein it has been prohibited to release the Domestic water connection to the individual dwelling unit of a multi dwelling structure/building.*"

12. Complying with the direction issued by the Commission on 28/04/2025, Respondent PIO vide submission dated 20/05/2025 filed a fresh reply to the Appellant as under along with a copy of Clause 6(5) of the notification captioned 'Control of Water Supply System by PWD'.

*"As per Clause No. 6 (5) of the Notification submitted to you (copy enclosed), only one domestic individual water connection shall be provided to each residential unit with sufficient hydraulic pressure."*

13. Appellant filed written arguments dated 20/05/2025 on the similar lines of submission dated 28/04/2025 wherein Appellant stated that the provisions of Gazette Notification dated 14/11/2024 are not binding on the request dated 06/02/2024 of the Appellant for release of Domestic water connection to his flat.

Appellant filed an application dated 20/05/2025 praying for imposing penalty on Respondents in the present appeal on the ground that:

- a) Respondent PIO has purposively provided wrong and irrelevant information/document with some ulterior motive.
- b) The FAA, without investigating his first appeal in detail has disposed the same vide order dated 27/08/2024.
- c) The Respondents are still pretending before the Hon'ble Commission that the Notification dated 28/12/2023 is having the requested information but have miserably failed to show that part satisfactorily.

### **COMMISSION'S OBSERVATION**

- i. The present appeal is the fall out of Appellant's application dated 06/02/2024 for new Domestic water connection and reply of Assistant Engineer, Sub. Division. IV, W.D-IX (PHE), PWD, Borda, Margao vide letter dated 15/05/2024 that *"as per site inspection the building/apartment already consist of common water meter connection. Hence, separate water connection to your flat cannot be released. However, you are requested to inform in case of water shortage."*
- ii. In an earlier RTI application dated 14/02/2024 (which is not part of the present appeal linked to RTI application dated 20/05/2024), Appellant sought:
  - 1) Copy of any government notification/circular, whereby it is prohibited to release individual domestic water connection.
  - 2) Copy of any other separate law/act made applicable to the individual unit of a Housing society.

- iii. Respondent PIO vide letter dated 26/04/2024 replied to above said query No.1 that "There is no Government Notification/Circular whereby release of individual domestic water connection to individual houses is prohibited.

Reply to query No.2 was that "*No such document is available. In case of multi dwelling building only common water connection is given to common sump building.*"

- iv. In response to the Appellant's single query RTI application dated 20/05/2024 seeking "Xerox copies of any Government Act or Notification or Circular, wherein it has been prohibited to release the Domestic Water Connection to the to the individual dwelling unit of multi dwelling structure/building, Respondent PIO furnished copy of Government of Goa Gazette Notification Series I No. 39 dated 28<sup>th</sup> September 2023 notifying the Goa Provision of Water Supply Rules 2023, Sub Section 5 of Section 6 of this Rules states that "*only one domestic individual water connection shall be provided to each residential unit with sufficient hydraulic pressure*".
- v. Perusal of materials available before the Commission reveals that the issue of requests as regard release of individual water connections to flats in multi-dwelling units was put up before the higher authorities by Assistant Engineer, SD-IV, WD-IX(PHE), PWD, Borda, Margao and the notings of the E.E, IX, PWD (a)and SE-VIII (b) shows as under:
- a) "*The issue was discussed multiple times with higher officers and minister earlier. It was advised that no individual water connections should be given to flats and that only common connection should be given.*"
- b) *One Building, one sump, one connection.*
- vi. Since the RTI application dated 20/05/2024 is the base for the present Appeal No.207/2024/SCIC, earlier RTI applications and reply to the same are not under the consideration of the Commission.

- vii. As a reply to the Appellant's RTI application dated 20/05/2024, Respondent PIO furnished a copy of the Government of Goa, Official Gazette Series I No. 39 dated 28<sup>th</sup> September 2023 regarding Notification of Goa Provision of Water Supply Rules 2023 (Goa Act 28 of 2003), Clause 6(5) of the said Rule states that "Only one domestic individual water residential unit with sufficient hydraulic pressure."
- viii. ***Respondent PIO did not furnish Appellant any document (order, circular, notification etc.) which prohibit the release of Domestic Water Connection to the individual dwelling unit of multi-dwelling structure/building but it doesn't mean that domestic water connection to the individual dwelling unit of a multi-dwelling structure/building is allowed.***
- ix. Since the Respondent PIO has furnished a copy of the Goa Provision of Water Supply Rules 2023 citing Clause 6(5) of the Rule as reply to the Appellant's RTI query dated 20/05/2024, Appellant is at liberty to approach the appropriate authority of the Respondent PIO or any other appropriate forum with his grievance or seeking interpretation of the Clause 6(5) of the above cited Goa Provision of Water Supply Rules 2023.
- x. Since the Appellant's RTI application dated 20/05/2024 was replied (01/04/2024) by the Respondent PIO after the stipulated time period of 30 days specified in the RTI Act, 2005. **Respondent PIO is strictly warned to henceforth furnish information/reply to the RTI requests within the time frame.**

### **DECISION**

- i. **Since the Respondent PIO has furnished information/document available in the public authority (PHE/PWD) i.e. Government of Goa Gazette**

**Notification dated 28<sup>th</sup> November 2023 on Goa Provision of Water Supply Act, 2023 and Gazette Notification dated 14<sup>th</sup> November 2024 on "Policy on operation and maintenance for Drinking Water Supply" and the said Authority doesn't have any specific document prohibiting to release the domestic water connection to the individual dwelling unit of a multi-dwelling structure/building, Respondent PIO will not be able to furnish anything more to the Appellant. Hence the matter is disposed off today i.e. 20/05/2025 without any direction to either party to the Appeal.**

- ii. As the Respondent PIO has not been observed for adopting casual as well as callous approach in disposing the RTI application dated 20/05/2024 and not malafidely denying the request, present appeal does not warrant penalty against the Respondent PIO Shri. V. S. S. Karmalkar u/s 20(1) of the RTI Act, 2005.**

***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.***

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

Sd/-

**(ARAVINDKUMAR H. NAIR)**  
State Chief Information Commissioner, GSIC

