

GOA STATE INFORMATION COMMISSION
"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001
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Complaint No.18/2024/SCIC

Sushant P. Nagvenkar,
 H.No. C-312, Fonuvem,
 Ribandar-Goa.

-----Complainant

V/s

1. Akash Sakhardande,
 Public Information Officer,
 Kadamba Transport Corporation Limited,
 Porvorim-Goa.

2. Derrick Pereira Neto,
 First Appellate Authority,
 Kadamba Transport Corporation Limited,
 Porvorim-Goa.

-----Opponents

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

Relevant Facts Emerging from the Complaint

Complaint received on	05/06/2024
First hearing held on	29/01/2025
Decided on	03/06/2025

Information sought and background of the Complaint

1. Shri. Sushant P. Nagvenkar filed an application dated 29/02/2024 under RTI Act, 2005 to the PIO, Kadamba Transport Corporation Limited seeking following information with reference to the issue of additional charge of Rs.5/- being charged on EV buses by Kadamba Transport Corporation Limited from the normal pass holders.

"Inspection of complete file process of the above decision making and further arrange to provide certified copies of documents from the said file as and if desired".

2. In response to the RTI application, PIO vide letter dated 14/03/2024 replied as under :

i. *"The file may be inspected at Kadamba Transport Corporation Limited, Head Office, Porvorim Goa. Kindly inform Divisional Traffic Officer, your*

convenient date of visit to the Traffic Section well in advance under intimation to the office of PIO so as to make arrangement of the file and keep it ready".

3. As per the documents available with the present complaint of the Complainant, the inspection of the file maintained by O/o the PIO was carried out by the Complainant on 01/04/2024 and after inspection, Complainant sought documents at 09 points including noting sheets of 08 different dates and copy of Gazette Notification No. D.TPT/STA/2375-Bus Fare Hike/2019/2018 dated 30/05/2019.
4. Assistant Traffic Superintendent (Shri. S.V. Sawant) was present during the course of inspection of the File No.205 (MCPS) and 88A pertaining to the traffic section and as requested by the RTI applicant at the said 09 points, information of 18 pages was provided to the Applicant.
5. Subsequently, Applicant filed first appeal dated 22/04/2024 before the First Appellate Authority stating that:
 - i. Respondent PIO vide letter dated 14/03/2024 provided inspection of the file, which was complete mess and haphazard bunch of documents without any reference.
 - ii. Document provided to the Appellant as regard the additional surcharge on EV buses Note 47 dated 21/09/2021 bore no reason for the decision and when it was brought to the notice, Respondent verbally conveyed that it was the only document.
 - iii. Record keeping and sense of ease in exercising RTI besides lack of Section 04 compliance and other procedural hurdles call for FAA's urgent review.
 - iv. Provide any other document pertaining to the subject if RTI application and if there is no further document/file/record as conveyed by the Respondent PIO, it may please be categorically stated/confirmed.
6. Respondent PIO in the written statement dated 10/05/2024 submitted before the FAA that information sought by the Applicant is

not denied and inspection was provided on 01/04/2024. The documents sought by the RTI Applicant upon the inspection of files/records were duly furnished to the Applicant on 05/04/2024.

7. FAA (M.D/KTCL) after hearing Applicant and Respondent PIO on 10/05/2024 disposed the first appeal by issuing an order dated 14/05/2024 as under:

"PIO to give directions to all Section Heads to maintain files in order, so that any person seeking information can get the required documents as sought by him or her".

8. Thereafter Applicant preferred Complaint dated 05/06/2024 before the Commission u/s. 18 of the RTI Act, 2005 praying that :

- i. The Hon'ble Commission be pleased to summon the Respondents and seek a written evidence on oath that complete information has been furnished.
- ii. Call for complete file records so that the averments in the appeal memo are tested for correctness and validated.

FACTS EMERGING IN COURSE OF HEARING

9. Pursuant to the filing of the present complaint by the Complainant, parties were notified fixing the matter for hearing on 29/01/2025 for which Complainant present and Shri. Bhupesh Shirodkar, LDC present for Opponent PIO. FAA was represented by Shri. Hitendra Satardekar, Legal Advisor. Directed the Opponent PIO to file reply to the Complaint on the next date of hearing, 18/03/2025.

10. When matter took up for hearing on 18/03/2025, Complainant, Opponent PIO and the representative of the FAA present. Opponent PIO filed written statement dated 18/03/2025 to the Complaint with a copy to the Complainant. Opponent PIO in the written statement submitted that :

- a. In response to the RTI application, Appellant was allowed to inspect the records/files on 01/04/2024.

- b. Information/documents (18 pages) sought by the Complainant upon the said inspection was provided and collected the same on 05/04/2024.
- c. Complying with the direction issued by the FAA's order dated 14/05/2024, vide note dated 28/05/2024, all section heads were directed to ensure proper maintenance of files/records, so that any person seeking information could get appropriate and timely information/documents.

Matter posted for further hearing on 30/04/2025.

11. Matter took up for hearing on 30/04/2025 for which Opponent PIO and the representative of the FAA present but Complainant absent. The counter reply of the Complainant to the written statement of the Opponent PIO inwards in the Registry on 24/04/2025 furnished to the Opponent PIO.

Complainant in his written counter reply submitted that :

- i. Appellant was saddled with the additional onus of seeking an appointment directly with the custodian of the information well in advance.
- ii. Reply of the Opponent PIO was a classic case of sub-delegation of the statutory duty.
- iii. There is no follow up on compliance and no compliance report placed on record as to the compliance of the note within the public authority.

COMMISSION'S OBSERVATIONS

- i. Complainant's sole RTI requirement vide application dated 29/02/2024 was to provide inspection of complete file process with reference to the issue of additional charge of Rs.5/- being recovered on EV buses by the Kadamba Transport Corporation Limited and certified copies of documents, if desired upon inspection.
- ii. As desired by the complainant, inspection was granted on 01/04/2024 and subsequently documents (08 noting sheets and 01 Gazette

Notification) identified in the inspection and sought was collected by the complainant on 05/04/2025.

- iii. In the first appeal dated 22/04/2024 complainant submitted before the First Appellate Authority that the document provided to him with regard to the additional charge of Rs.5/- on EV buses (Note 47 dated 21/09/2021) bore no reason for decision and record keeping needs an urgent review.
- iv. With regard to the document on additional surcharge of Rs.5/- containing no reason for the decision, Opponent PIO orally conveyed the Complainant that the said document was the only document pertains to the issue.
- v. There is nothing wrong in Opponent PIO taking the help of the concerned dealing hand for fixing/arranging physical inspection of files/records and fixing the inspection date in advance aimed at to avoid inconvenience to the parties to the inspection, However, it is the Responsibility of the PIO to fix and convey the date of inspection to the Appellant/Complainant.
- vi. Taking cognizance of the complainant's grievance of poor record keeping, M.D/KTCL (FAA too) vide order dated 14/05/2024 directed the PIO/KTCL to give directions to all Section Heads to maintain files in order and the Respondent PIO duly complied with the FAA's direction by issuing memo dated 28/05/2024 to all Section Heads in the Kadamba Transport Corporation Limited.

FAA need to review the same and to ensure whether his direction is implemented in its letter and spirit by all Section Heads.

- vii. From the materials available before the Commission, it is observed that request of the complainant in original RTI application dated 29/02/2024 is fully complied by the Opponent PIO by granting physical inspection of records/files to the complainant on 01/04/2024 and subsequently furnishing copy of documents identified by the complainant during the course of inspection.

DECISION

- i. During the course of hearing, complainant submitted that the Opponent PIO of public authority in the present appeal (KTCL Ltd) failed to furnish information (reason) for the additional amount of Rs.5/- being charged from the normal pass holders by the Kadamba Transport Corporation Ltd. but the complainant himself submitted that the Opponent PIO orally conveyed that the document provided to the complainant is the only available document pertaining to the issue of Rs.5/- being charged.
- ii. As long as the reasons (for a specific decision) are part of existing records, RTI applicant is entitled to receive such information (reason). If the public authority documented the specific reasons for its decision, RTI seeker has right to access the same under RTI Act.
- iii. Only information as available in the form of records and documents which are held by or under the control of a public authority can constitute information to which a citizen has right to access.
- iv. In this particular matter, Complainant submitted before the First Appellate Authority that the document (Note 47 dated 21/09/2021) provided to him by the Opponent PIO with regard to the additional/surcharge of Rs.5/- on EV buses contain no reasons for the decision and Opponent PIO verbally conveyed that the document which provided to the complainant is the only document on the Rs.5/- surcharge issue. It undoubtedly established that the reason for the said additional surcharge of Rs.5/- on EV buses are not documented by the public authority and hence not part of the existing document, which has already been furnished to the complainant by the Opponent PIO.

DIRECTIONS TO FAA, KADAMBA TRANSPORT CORPORATION

- i. The poor record maintenance/management is a major hindrance in supplying the information desired in any application. Since the Complainant has pointed out the poor state of affairs of record keeping in the public authority of the present appeal (KTCL), Managing Director, Kadamba Transport Corporation Limited (who is FAA too) hereby directed by the Commission to review the direction given by him to the PIO vide order dated 14/05/2024 to maintain files in order by all Section Heads and the progress achieved on the direction.
- ii. *FAA is directed to file report on compliance of his direction to maintain files in order by the PIO and Section Heads and the present state of affairs of the record maintenance by Kadamba Transport Corporation Limited because Section 4 of the RTI Act, 2005 impose an obligation on public authorities to maintain its records duly catalogued and indexed in a manner and form which facilitates the right to information under the Act.*

FAA's report should reach the Commission within 15 days from the date of receipt of this order.

- Proceeding stands closed.
- Orders passed.
- 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

