

GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001

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Appeal No. 211/2024/SCIC

Shri Ganpat V. Sidhaye,
H. No. 45, Matawada,
Near Shambho Mahadev Temple,
Britona, Bardez-Goa, 403101.
V/s.

-----Appellant

1.The Public Information Officer,
O/o Goa Tourism Development Corporation,
3rd Floor, Paryatan Bhavan,
Patto, Panaji-Goa 403001.

2.First Appellate Authority,
Goa Tourism Development Corporation,
3rd Floor, Paryatan Bhavan,
Patto, Panaji-Goa 403001.

-----Respondents

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

Relevant Facts Emerging from the Appeal

RTI application filed on	- 14-02-2024
PIO replied on	- 08-04-2024
First Appeal filed on	- 13-05-2024
First Appellate order on	- 16-07-2024
Second appeal received on	- 30-09-2024
Decision of the Second Appeal on	- 21-05-2025

Information sought and background of the Appeal

1. Shri. Ganpat V. Sidhaye filed an application dated 14/02/2024 under RTI Act, 2005 to the PIO, Tourism Department, Panaji, Goa seeking following information:
 - i. *Details of work executed in Village Panchayat, Penha de Franca, Bardez for last five years such as location of work, tendered amount, estimated amount and name of agency etc.*
 - ii. *Certified copies of work order, scheduled of work items, bills paid/raised during Annexure, tender notice and plan or drawings.*
 - iii. *Inspection of sites, inspection of registers maintained for the work and copies of any document which applicant may desire after the inspection.*
 - iv. *Inspection of manual, codes etc. that are being followed for specification of item for execution of work and maintaining quality of work.*

- v. *Details of Consultants if appointed such as work order, documents pertaining to appointment such as tender notice/nomination, qualifying criteria, approval from competent authority, notings etc.*
2. In response to the RTI application, PIO (Shri. S. K. Narvekar) vide letter dated 08/04/2024 furnished reply received from the Executive Engineer (N), Goa Tourism Development Corporation, Panaji under RTI Act, 2005. Perusal of the reply revealed that information has been provided to all RTI queries except Query No.3 wherein Appellant had sought for inspection of sites/register maintained for work.
3. Aggrieved by the reply/information furnished by the PIO, Appellant filed first appeal dated 13/05/2024 before the First Appellate Authority stating that :
- Respondent PIO has furnished only partial information.*
 - Information pertaining to Point No.3 and 4 is not provided.*
 - With regard to Point No.5, tender approval documents are not provided.*
4. Appellant submitted before the FAA that since the Respondent PIO has not provided the information intentionally, he is liable for action u/s 19(3) (8) and Section 20 (f) the RTI Act, 2005.
5. First Appellate Authority, Goa Tourism Development Corporation observed that -
- During the hearing it was informed by the PIO that inspection of file was given and additional documents sought by the Appellant were also handed over.*
 - Appellant claimed that the "Annexures to the Bills" sought by the Appellant in Point 2 of the original application dated 14/02/2024 were not furnished.*
 - It is also claimed by the Appellant that inspection sought at Point No.4 of the original application dated 14/04/2024 was not given.*
6. After hearing on 16/07/2024, FAA passed an order dated 16/07/2024 as under :
- "In view of the above, it is directed to PIO, Goa Tourism Development Corporation to furnish information/inspection sought in Point 2 and Point 4 of original application within 7 working days."*

7. Subsequently, Appellant preferred Second appeal dated 30/09/2024 before the Commission stating that-
- a. The Respondent PIO vide letter dated 08/04/2024 provided only partial information to his RTI application dated 14/02/2024.
 - b. Information pertaining to Point No.3 and 4 of the application was not provided and Annexure to bills as stated in Point No.2 were not furnished.
 - c. During the hearing in first appeal before the FAA, copy of order passed by the Central Information Commissioner, New Delhi dated 06/09/2017 was submitted for perusal of FAA as the order clearly states that site inspection of the work as provided u/s 2(j) (i) and (iii) is within the scope of RTI Act, 2005.
 - d. FAA has directed the PIO to furnish necessary information within 7 working days from the date of order (16/07/2024) and FAA relied on Hon'ble Delhi High Court order dated 12/07/2022 in the matter of *Veena Joshi V/s. PIO and others* for rejecting the site inspection sought by the Appellant. However, Petitioner, Veena Joshi had sought inspection of the premises/property and not the site of work.
8. Appellant prayed before the Commission to direct the PIO to provide information sought at Point No.2, 3 and 4 and site inspection as provided under Section 2 (j) of RTI Act, 2005.

FACTS EMERGING IN THE COURSE OF HEARING

9. Pursuant to the present appeal filed by the Appellant, parties were notified fixing the matter for hearing on 24/02/2025 for which Appellant and Respondent PIO and FAA (G.M/GTDC) appeared in person. As per the direction of the Presiding Commissioner, PIO agreed to give inspection to the Appellant and fixed the inspection on March 04, 2025 in the presence of Executive Engineer, North (GTDC).
10. Matter was taken up for hearing on 24/03/2025 for which Appellant was absent but Respondent PIO appeared in person. The Appellant vide letter dated 18/03/2025 inwarded in the Registry informed that some documents sought by the Appellant were found not available

during the inspection of records held by the Appellant on 04/03/2025 and site inspection was denied. Matter adjourned to 17/04/2025.

11. Matter took up on 17/04/2025 for which Appellant was present but Respondent PIO was absent. Matter adjourned to 21/05/2025 for submission of PIO.
12. However, Respondent PIO filed a written reply dated 29/04/2025 at the Registry stating that the Appellant was granted file inspection at Goa Tourism Development Corporation, Engineering Section on 19/06/2024 and upon inspection Appellant submitted fresh handwritten RTI application dated 20/08/2024 seeking additional information including test reports, measurement books, cube registers etc. and it was promptly provided vide letter dated 24/09/2024.
13. Respondent PIO further stated that in terms of the instructions of Hon'ble Commission, Appellant was allowed inspection in the Engineering Cell of the office on 11/03/2025. However, Engineering Cell informed that site inspection cannot be brought under the mandate of RTI Act and Appellant can inspect the documents and file records of that particular site/work. Citing the Hon'ble Delhi High Court order in *Veena Joshi v/s. CPIO, W.B. (C) 3883/2022* submitted that Appellant's insistence for a site inspection under the RTI Act is legally unsustainable.
14. The direction of the FAA refusing the site inspection is consistent with the law laid down in *Veena Joshi* and deserves to be upheld. According to Respondent PIO, since the inspection/information is in the purview of Goa Tourism Development Corporation Engineering Cell (SPV), Respondent PIO is following up the matter with the Engineering Cell (North), SPV, Goa Tourism Development Corporation since the beginning of the present matter and hence the concerned engineers may please be made party in the matter.
15. Respondent PIO further submitted that there has been due compliance with the RTI application and the order of the FAA, Appellant

prayed that in the light of above facts and legal position, present appeal may please be dismissed being devoid of merit.

16. Matter called out for final hearing on 21/05/2025 for which Appellant and Respondent PIO appeared in person. Respondent PIO filed letter dated 17/04/2025 providing documents in respect of 04 projects sought by the Appellant after inspection of records/files.
17. Appellant submitted that he was denied '*inspection of the site*' and citing Central Information Commission's decision in the matter of *Vinay Bajpai v/s. CPIO, Dedicated Freight Corridor Corporation of India Ltd. New Delhi*, Appellant stated that he is entitled to '*inspect the site*'.
18. Appellant submitted that CIC in the above referred matter observed that Section 2 (j) (i) (ii)(iii) of the RTI Act entitles an information seeker to inspect and take samples of the work funded out of State exchequer. Hence, the information sought and the right to inspect and take samples of materials used in the said construction are very much covered within the ambit of the provision of the RTI Act.

COMMISSION'S OBSERVATION

- i. The basic grievance of the RTI seeker is that he has been furnished with only one RA Bill and site inspection was denied by the Public Authority.
- ii. The Respondent PIO made it clear in the written submission dated 29/04/2025 that only one RA Bill was on record at the time of the RTI application dated 14/02/2024 and the same has been provided to the Appellant.

The Respondent PIO is responsible to give only that information available with him/his office till the date of receipt of the RTI application. Since in the present matter date of application is 14/02/2024 and the Respondent PIO is bound to give information available as on 14/02/2024.

- iii. The Appellant was granted inspection of file at the Engineering Section of the GTDC on 19/06/2024 and upon inspection, Respondent PIO has provided additional information on request dated 28/06/2024 of Appellant.
- iv. On the direction of the Commission, Appellant was again allowed to conduct inspection of files/records of the Engineering Cell of GTDC on 11/03/2025 and availed additional information also.
- v. *Section 2(j) (i) (ii) and (iii) of the RTI Act, 2005 states that the right to information accessible under the Act includes the right to -*
 - i. *Inspection of work, documents, records.*
 - ii. *Taking notes, extracts or certifies copies of documents or records.*
 - iii. *Taking certified samples of material.*

DECISION

- i. **Since the Appellant sought information is inspection of work which is executed by the Public Authority (Goa Tourism Development Corporation in the present appeal) with the fund from public exchequer and collection of the sample of materials used for the said work, Appellant is entitled to inspect the work, where it is executed by the public authority.**
- ii. **Inspection of records and documents of a work is possible at the office of the Respondent PIO or the office of the Public Authority.**
- iii. **Since the physical inspection of the work by the Appellant is not possible in the office, Appellant be allowed to inspect the place where the said work (referred in the RTI application) actually executed.**
- iv. **In the RTI application, Appellant sought the details of work executed by GTDC in Village Panchayat, Penha De Franca of Bardez Taluka, North Goa for the last five years.**

- v. As the Public Authority furnished information/documents pertaining to the details of work to the Appellant, in Commission's view, nothing prevents the public authority to allow the Appellant to inspect the work executed by the GTDC in Village Penha De Franca, Bardez Taluka for the last 5 years till the date (24/02/2024) of RTI application of the Appellant.
- vi. Accordingly, Commission dispose off the present Appeal No.211/2024/SCIC with the direction to the Respondent PIO to allow the Appellant to inspect the place where the work on which Appellant sought information is executed.
- vii. Since the site inspection of work is in the purview of Goa Tourism Development Corporation's Engineering Cell (SPV), North, Commission directs the Competent Authority of the said Cell, i.e. the present Executive Engineer (North), PC, Special Purpose Vehicle (SPV), GTDC and Suptdg. Engineer, Project Cell (PC), GTDC to facilitate the inspection of work by the Appellant within 15 days from the receipt of this order and file a compliance report within a week of the date of inspection.

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/-

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