

# GOA STATE INFORMATION COMMISSION

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## Appeal No. 75/2025/SCIC

Mr. Franky Monteiro,  
H. No. 501, Devote,  
Loutolim, Salcete-Goa.  
403718.

---Appellant

V/s

The Public Information Officer,  
The Executive Engineer,  
W.D.IX(PHE), PWD,  
Fatorda, Margao-Goa 403601.

-----Respondent

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

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

<b>RTI application filed on</b>	- 07/10/2024
<b>PIO replied on</b>	- 30/10/2024
<b>First Appeal filed on</b>	- 18/11/2024
<b>First Appellate order on</b>	- 10/12/2024
<b>Second appeal received on</b>	- 12/03/2025
<b>Decision of the Second Appeal on</b>	- 16/07/2025

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

1. Shri. Franky Monteiro filed an application dated 07/10/2024 under RTI Act, 2005 to the PIO, O/o. The Executive Engineer, PHE,W.D.IX, PWD, Fatorda seeking inspection of the files pertaining to the pipelines laid by PWD (PHE) W.D.IX connecting the sump near the Government Primary School in Loutolim to the storage tanks at Montir in Loutolim and the following information :

- i. Lay out plans of the pipelines by the Department from the above said sump to the storage tanks.*
- ii. Administrative and financial approval towards the said work.*
- iii. Tenders called for and bills paid to the contractor.*
- iv. Notification issued towards acquisition of land and notices issued to the land owners with acknowledgement.*
- v. Compensation paid towards land acquired.*
- vi. Possession certificate of taking over of land acquired.*

2. In response to the RTI application, PIO/Executive Engineer (Shri. V.S.S. Karmalkar) vide letter dated 30/10/2024 replied as under for all the queries in the RTI application:

*"The said documents are very old and not traceable in this office records."*

3. Being aggrieved by the reply furnished by the PIO, Appellant filed first appeal dated 18/11/2024 before the First Appellate Authority stating that the reply furnished by the PIO is unsatisfactory and unacceptable and prayed that the Respondent PIO be directed to provide complete and correct reply/information as sought in the RTI application dated 07/10/2024.
4. First Appellate Authority (S.S.W) vide order dated 10/12/2024 directed the Respondent PIO to provide the documents to the Appellant within 15 days from the date of passing of the order.
5. Subsequently, Appellant preferred Second appeal dated 12/03/2025 before the Commission stating that Respondent PIO failed to comply with the order passed by the FAA and submitted that the Respondent PIO is deliberately causing undue delay in providing the information.

### **Facts Emerging in Course of Hearing**

6. Pursuant to the filing of the present appeal by the Appellant, parties were notified fixing the matter for hearing on 05/06/2025 for which Appellant appeared in person but Respondent PIO absent. APIO, Shri AbhayGaude present and filed a letter stating that the Respondent PIO could not appear for hearing as on leave from 26/05/2025 to 06/06/2025. When APIO submitted that the documents sought by the Appellant are not traceable, Presiding Commissioner directed to make another round of thorough search and fixed the matter on 14/06/2025.

7. Both Appellant and Respondent PIO appeared in person for the hearing on 14/06/2025. Respondent PIO submitted that the information sought by the Appellant is pertaining to a quite old file, which they could not trace despite making an all out effort. Directed the Respondent PIO to file submission on the next date of hearing slated for 16/07/2025.
8. When the matter called out for final hearing on 16/07/2025, both Appellant as well as Respondent PIO appeared in person.

Respondent PIO reiterated that his office could not trace the concerned file pertaining to the information sought by the Appellant. Appellant submitted that he sought the information in respect of the water pipeline laid by the PWD (PHE), Fatorda Goa connecting the sump near the primary school, Loutolim because the property through which the said pipeline is laid is proposed to develop and therefore the existing pipeline needs to be relocated/re-laid to some other portion of the same property to avoid inconvenience or obstruction to the proposed development of the property.

Respondent PIO submitted at this juncture that if a formal proposal is moved by the Appellant for relocating the existing water pipeline, PWD(PHE) can take up the proposal for consideration.

### **DECISION**

**Since the Appellant's core requirement is to relocate the existing water pipeline enabling him to undertake some developmental activities in the property through which the water pipeline is currently passing through, the Commission has decided to dispose off the present Appeal No.75/2025/SCIC with the following directions :**

#### **To the Appellant**

- i. **Submit a formal written request to the Public Authority (PWD, W.D. IX, PHE, Fatorda, Goa) to relocate the existing water pipeline to some other part of the property enabling to undertake developmental activities/projects in the property.**

**To the Respondent PIO**

- i. **Consider the request/proposal to be submitted by the Appellant on a priority basis and to refix the existing water pipeline to a suitable location within the same property to un-interruptly avail the water facility by the existing beneficiaries and also explore the possibility of acquiring the said area through which the new/relocated water pipeline will pass through after due notification.**

*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