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IN THE HIGH COURT OF BOMBAY AT GOA**PUBLIC INTEREST LITIGATION WRIT PETITION NO.52 OF 2024**

JITESH JIVAJI KAMAT

... PETITIONER

Versus

THE STATE OF GOA, THR.

THE CHIEF SECRETARY

AND 3 ORS.

... RESPONDENTS

Mr L. J. Deva with Mr. Araujo Myron Afonso, Advocates for the Petitioner.

Mr Pravin Faldessai, Additional Government Advocate for Respondents.

**CORAM:- M. S. KARNIK &
NIVEDITA P. MEHTA, JJ.
DATED :- 18th December, 2024**

P.C.

1. Heard Mr. L. J. Deva, learned counsel for the Petitioner and Mr. Faldessai, Additional Government Advocate for Respondents.

2. The relief prayed for in the petition is for issuance of an appropriate direction to Respondent Nos. 1, 2 and 4 to conduct jointly and severally, an investigation to ascertain the manipulation, as is the submission of learned counsel for the Petitioner in the 47 work tenders floated by Respondent No. 3 for providing facilities for the Exposition of the Sacred Relics of St. Francis Xavier, and identify the culprits responsible for the manipulation.

3. The Petitioner has further prayed that a technical team of independent experts take measurements of all the semi-permanent

and temporary projects executed for Exposition of the Sacred Relics of St. Francis Xavier and that the payments to the Contractors be made as per the measurements taken by the said technical team. The Petitioner has *inter alia* made suggestions to prevent manipulations in taking measurements and prays that a team of professors of Goa College of Engineering, Farmagudi, and other engineering colleges in Goa be constituted as technical experts for their report to be acted upon.

4. Learned counsel submitted that the Petitioner being a Public Works Department (PWD) contractor frequently visits the tendering site on web portal to search for new tenders. In the month of September 2024, the Petitioner opened the e-tendering website to look out for new tenders. The Petitioner saw a list of tenders floated for the work of Exposition of the Sacred Relics of St. Francis Xavier. The Petitioner downloaded the tender documents and observed that some of the prices of the items were/are exorbitant and the estimates seemed to have been manipulated. The Petitioner filed application under Right to Information Act for the relevant documents. The Petitioner has approached this Court on the inference that Respondent No.3 has deliberately not provided all the documents sought by the Petitioner under RTI with an oblique motive of hiding the manipulation in tendering of the

projects. The Petitioner has given his own version as to how the tender has been manipulated.

5. We do not propose to entertain this petition at the instance of the present Petitioner who is a Contractor with the Public Works Department of Government of Goa. He did not participate in the tender process nor did he raise any objections at the earliest. The tender was floated in September 2024 and the PIL is filed on 12/12/2024. The Petitioner says that time was taken to obtain information under the Right to Information Act.

6. Moreover, learned Additional Government Advocate for Respondent states that the present petition filed by the Petitioner has been forwarded to the Vigilance Department as a complaint. It is submitted that the Vigilance Department has already moved the State Government for appropriate directions to the PWD to conduct site inspection and submit a report. Further action would be taken on the basis of such report.

7. As action has been taken, we do not entertain the PIL at this stage. Obviously, the site inspection will be carried out by the PWD and the report shall be submitted to the concerned department before all the structures are dismantled. The Vigilance Department will take the complaints made by the Petitioner to its

logical conclusion. The petition is disposed of. No costs.

NIVEDITA P. MEHTA, J.

M. S. KARNIK, J.