

**GOA STATE INFORMATION COMMISSION**

'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

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**Appeal No. 115/SIC/2015**

Shri Pedrito Misquitta alias.  
John Peter Misquitta,  
House No. 234-B/Souza Vaddo,  
Candolim, Bardez Goa. .... Appellant

**V/s.**

1. PIO/Assistant PIO,  
Office of the Goa Coastal Zone Management Authority,  
Panaji Goa.
2. The Member Secretary-Goa Coastal Zone,  
Management Authority & FAA Under RTI Act ,2005,  
Panaji Goa

**CORAM:**

**Smt. Pratima K. Vernekar**, State Information Commissioner

**Filed on: 04/11/2015**  
**Decided on: 24/04/2017**

ORDER

1. The appellant Shri Pedrito Misquitta herein by his application , dated 2/6/2015, filed u/s 6(1) of the RTI Act 2005 sought certain information from Respondent No. 1 PIO , Office of the member secretary, GCZMA Panaji Goa under several points therein.
2. The said application was replied on 25/6/2015 by the Respondent No. 1 PIO. However according to the appellant the part of the information was furnished and the crucial information was denied hence the appellant filed first appeal to respondent no. 2 herein on 14/07/2015.
3. The Respondent No. 2 first appellate authority by an order dated 28/7/2015 allowed the said appeal and directed the Respondent No.. 1 PIO to provide specific information as sought by the appellant free of cost within 10 days from the date of the order.

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4. It is the case of the appellant that received the letter dated 3/08/2015 from the Respondent No.1 PIO informing him that the information sought by him was not specific as such he was called upon to specify the same and to inspect the relevant files. The appellant contended that vide his letter dated 10/8/2015 the clarification was offered and was also requested to furnish the information. Since no information was furnished to him despite of clarification and being aggrieved by the action of Respondent No. 1 PIO the appellant approached this commission u/s 19(3) on 3/11/2015 with a prayer as against Respondent PIO for direction for furnishing the information as sought by him vide his application dated on 02/06/15 and for invoking penal provision.
5. Notices were issued to the parties. The appellant was present in person. Respondent No 1 represented by Advocate D. Kalangutkar. In the course of the hearing Advocate for the Respondent No.1 offered to provide information to the Appellant as was sought by him, accordingly on 17/01/2017 he furnished the information alongwith copies of the documents to the appellant. Another set of the same was placed on record of the commission. The appellant on going to the information submitted that he is satisfied with the information provided to him except point (D) and (E) of this application. The advocate for the Respondent PIO agreed to provide the specific information pertaining to above mentioned points i.e.(D) and (E).
6. Despite of undertaking given to furnish the information, at point (D) and (E), no information came be furnished by the Respondent. Ample opportunities were given to the Respondent PIO to file their say, despite of same both the respondent failed to do so and to furnish the information at point (D) and (E).

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7. Written argument were filed by the appellant. Since no reply/written synopsis came to be filed on behalf of Respondent, this commission has no other option to decide the matter based on the available records.
8. The contention of the appellant by memo of appeal is that the Respondent No. 1 PIO has violated the provision of the act by not providing the information in time, as such he should be penalized u/s 20 of the Act.
9. Since no reply came to be filed by Respondent No 1 PIO I presume that they have got no say to offer and that the averment made in the present appeal are is not disputed.
10. I find prima facie the PIO has failed to furnish the information in compliance of the order of the First appellate authority. From the conduct of PIO it can be clearly inferred that PIO has no concern under the obligation of RTI Act. Conduct of the PIO herein is condemnable. The information only came to be furnished to the appellant only on 17/1/17. There is a delay in complying with the order of First appellate authority and also in furnishing complete information. However before imposing any penalty an opportunity is required to be given to him to explain his version. I passed the following order.

order

1. The respondent has been directed to furnish the information at point (D) and (E) as sought by the appellant vide his application dated 2/6/2015 within 15 days from the receipt of the order.
2. Issued notice to the Respondent No. 1 PIO and he is hereby directed to remain present before this Commission along with written submission on 26/05/2017 at 10.30 A.M., showing why penalty/compensation should not be imposed on him. If no reply is filed by the Respondent, PIO it shall be deemed that he has no

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explanation to offer and further orders as may deemed fit shall be passed.

3. In case the PIO at relevant time, to who the present notice is issued , is transferred, the present PIO shall serve this notice alongwith the order to him and produce the acknowledgement before the Commission on or before the next date fixed in the matter alongwith the full *name and present address of the then PIO*.

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

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.

Pronounced in the open court.

Sd/-

**(Ms. Pratima K. Vernekar)**  
State Information Commissioner  
Goa State Information Commission,  
Panaji-Goa