

**GOA STATE INFORMATION COMMISSION**  
'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

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**Appeal No. 66/SCIC/2014**

Shri Devidas V. Bhandankar,  
S-10, Wing-4, Kurtarkar Commercial Arcade,  
Sadar Ponda Goa.

.....**Appellant.**

**V/s.**

1. Public Information Officer (PIO),  
Dinraj R. Govekar,  
Sub-Division Police Officer  
Ponda Goa.

2. First Appellate Authority,  
Supdt. Of Police North,  
Porvorim Goa

.. ..**Respondents**

**CORAM:**

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

Appeal filed on:27/06/2014

Decided on: 11/05/2017

**ORDER**

1. This is the second appeal filed by the appellant Shri Devidas Bhandankar on 25/6/2014 interalia seeking the direction to furnish the correct information as per the order passed by the First appellate authority on 23/5/2014 in appeal No. 32/24 and for invoking penal provisions as contemplated u/s 20 of the RTI Act 2005 for illegally and arbitrary providing incorrect information.
2. The brief facts reading to present appeal are as under;  
That the appellant has filed application dated 27/3/2014 with the respondent No. 1 PIO of SDPO Ponda seeking certain documents.
3. The said application was replied on 4/4/2014 by Respondent No. 1PIO and thereby furnished information to the appellant.
4. Vide another application dated 21/4/2014 the appellant against sought certain information as stated therein the said application

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from Respondent No. 1 PIO, SDPO, Ponda. The said was also responded within time on 2/5/2014 whereby the information was furnished to the appellant .

5. Being not satisfied with the replies/information furnished to him by the Respondent No. 1 PIO in both the above application , the appellant preferred first appeal before the Supdt. of Police being the first appellate authority who is Respondent No. 2 herein and the Respondent No. 2 First Appellate Authority vide his order dated 28/5/2014 directed Respondent No. 1 PIO to furnish the information to the appellant with regards to his RTI application dated 27/3/14 at point(a) that is the copy of the complaint dated 23/3/13 filed by Mrs. Adarsh Naik usgaonkar and in respect of his another RTI application dated 21/4/2014 at point No. 2 that is complaint filed by the appellant on 13/7/13 if available within two weeks from the date of the receipt of the order.
6. In pursuant to the said order of Respondent No. 2 FAA, and the Respondent No. 1 PIO vide his letter dated 14/6/14 provided him the information as was directed by the FAA .
7. Being not satisfied with the information provided to him in compliance of the first appellate authority on 14/6/16 by the PIO, the appellant therefore landed before this commission in the second appeal in terms of section 19(3) of the RTI Act on the ground that PIO has knowingly given incorrect incomplete or misleading information to him.
8. The present appeal was taken up for hearing after notifying the parties. Despite of notice the appellants continuously remained absent.
9. Both the Respondent was duly served. Reply came to be filed on behalf of both the Respondent on 20/2/2017 thereby enclosing the documents in support of his case. The copy of the reply of the

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Respondents and the enclosures relied by the Respondent PIO could not be furnished to the appellant in view of his continuous absence .

10. In view of continuous absence of appellant, this commission has no any other option then to decide the present appeal based on the records available in the file.
11. It is a contention of Respondent No. 1 PIO that the information pertaining both the RTI application were provided within time so also the order of the first appellate authority was complied within time. It was further submitted that both the application were forwarded to APIO Police inspector Ponda Police Station and the documents provided to the appellant are furnished by the APIO/ Police inspector Ponda Police Station as the same were available in their records at Ponda Police Station. It was further submitted that the PIO cannot omit or add any thing on the documents and has to provide the same as available on records and as such it is his contention that submission of the appellant made in memo of appeal at para (e) is totally false and baseless.
12. Since the appellant has claimed that incorrect information is provided to him knowingly, the onus was on the appellant to prove the same. Proving certain facts raised alleged by the appellant always rest on him and under no circumstances burden shifts on the opposite parties. By continuous absence of the appellant and failure to produce any evidence, the appellant have miserably failed to discharge his burden. It appears that he is not interested in pursuing present proceeding as and such has not made himself available to substantiate his case.
13. On the contrary the respondent No. 1 PIO vide their reply dated 20/2/17 and the enclosure have substantiated their case which was also not rebutted by the appellant.

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14. In view of above, I do not find any cogent and convincing evidence against Respondent No. 1 PIO to hold that he has acted malafidely and had provided incorrect information to him.

The appeal is disposed accordingly. Proceedings stands closed

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