

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

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**Shri Prashant S.P. Tendolkar,**  
State Chief Information Commissioner

**Appeal No. 200/SCIC/2017**

Iver Ferreira,  
House No.949, Mangueiral,  
St. Estevam, Ilhas –Goa.  
Pin: 403106. .... Appellant

V/s

- 1) The Public Information Officer,  
Office of the Mamlatdar,  
Tiswadi Taluka, Collectorate Building,  
Ground floor, Panaji –Goa.  
Pin: 403001.
- 2) The First Appellate Authority,  
Dy. Collector & SDO ,  
Panaji Sub Division, Collectorate Building,  
Ground Floor, Panaji –Goa.  
Pin: 403001. .... Respondents

Filed on : 24/11/2017

Disposed on:18/05/2018

**1) FACTS IN BRIEF:**

**a)** The appellant herein by his application, dated 21/8/2017 filed u/s 6(1) of The Right to Information Act 2005 (Act for short) sought information from the Respondent No.1, PIO in the form of copies of complaint filed at Police Station regarding untraceable files, FIR lodged at the Police station and the status of such complaints and the action taken report.

**b)** The said application was not responded to by the PIO within time and as such deeming the same as refusal appellant filed first appeal to the respondent No.2, being the First Appellate Authority (FAA).

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**c)** The FAA by order, dated 16/10/2017, allowed the said appeal and directed PIO to furnish the information free of cost within seven days from the date of said order.

**d)** Pursuant to said order the PIO replied by letter, dated 24/10/2017 informing the appellant that *“it is observed that there is no order of tenancy declaration proceedings found in the above files”*.

**e)** The appellant has therefore landed before this commission in this second appeal u/s 19(3) of the act.

**f)** The PIO herein was notified to file his say in the matter. Initially the said notice was sent through the post for service on the PIO. As the track report of the postal office was not convincing, a fresh notice was served on the PIO and also on the FAA by the appellant himself through the respective offices on 13/2 2018. Pursuant to said notice the representative of the FAA appeared but the PIO remained absent all throughout. The PIO has not filed any say in the matter.

**g)** In view of absence of any specific plea of the PIO inspite of opportunity vide notice of this commission, the clarification in the appeal was sought from the appellant and the matter is taken up for orders based on the records.

## **2.FINDINGS:**

**a)** Perused the records and also considered the pleadings of the appellant. According to appellant the application, dated 21/8/2017 filed by him u/s 6(1) was necessitated in view of the earlier reply of the PIO that

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the some files pertaining to which he had sought the information earlier were not available. According to him said application dated 21/8/2017 was not responded by the PIO within time and hence filed first appeal which was allowed and the PIO was directed to furnish the information within seven days. According to appellant the purported information furnished by PIO thereafter is not clear and misleading. According to appellant what was sought was the copies of the complaint lodged, FIR number, status of the case and the action taken on un traceable document. According to him the said records which are sought are originated in view of the earlier information from the PIO that the concerned files are not traceable.

**c)** Considering the nature of information sought by the application, dated 21/8/2017, I find that the PIO has not responded the same in time as required under section 7(1) of the act. The PIO had another opportunity to show the bonafides in not responding the application before the FAA but that was not availed by the PIO. As per the order of FAA, the PIO had sought 15 days time to furnish the information but the FAA, by considering the fact that sufficient time had lapsed, passed the order and directed PIO to furnish the information.

**d)** On perusal of the reply of PIO after the said order, by which the purported information is furnished, it appears that the PIO has adopted a casual approach in responding the same. Actually what was sought and ordered to be furnished by FAA was the copies of the

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complaint, FIR, the progress report etc. The said information is furnished by just informing that the concerned file is not found. The fact that the concerned file was not found was already made known earlier and what was sought was in respect of the developments thereafter. The reply thus appears misleading and the appellant has not been furnished with the information as sought. I therefore hold that the appellant should be provided with the information as sought

**e)** The PIO was granted opportunity to explain the said discrepancy before this commission but the same was also not availed and the process of this commission was ignored. Thus the PIO has not shown any reasonable cause for refusal of information.

**f)** Considering the casual approach of the PIO, I find prima facie that the PIO has knowingly given misleading information. I therefore find it necessary to invoke my powers u/s 20(1) and/or 20(2) of the act.

**g)** In the backdrop of the above facts, I dispose the present appeal with the following:

### **ORDER**

The appeal is allowed. The PIO is hereby ordered to furnish to the appellant, free of cost, the information as sought by his application, dated 21/8/2017, within TEN DAYS from the date of receipt of this order.

PIO is further directed **to show cause** as to why action as contemplated u/s 20(1) and/or 20(2) of The Right to Information Act 2005 should not be initiated against her.

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Reply to notice to be filed in person before this commission on 28/6/2018 at 10.30 a.m.

Notify the parties.

Appeal disposed accordingly.

Pronounced in the open proceedings.

Sd/-

**(Prashant S.P. Tendolkar )**  
State Chief Information Commissioner  
Goa State Information Commission  
Panaji - Goa