

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

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

**Penalty case no.44/2010**  
**IN**  
**Appeal no.121 of 2009**

**Mr. S B S Loureco,**  
Bairo Bondir,  
Santa Cruz,  
Tiswadi – Goa.

..... **Appellant**

**V/S**

- 1. Subhash Nilekani,**  
Public Information Officer,  
Landscape Architect,  
Town and Country Planning Department,  
Panaji – Goa.
- 2. The First Appellate Authority,**  
Chief Town Planner'  
Town and Country Planning Department,  
Panaji – Goa.

..... **Respondents**

**DECIDED ON: 12/4/2017**

**ORDER**

1. This commission, while deciding the above appeal, vide order, dated 19/11/2010, had directed the PIO and deemed PIOs, to show cause as to why penalty as provided u/s 20(1) of The Right to Information Act should not be initiated against them.
2. In pursuance to the said notice the respondent PIO and the deemed PIO filed reply to said notice.
3. As per the say of PIO the Information was furnished and that for the purpose of compiling the information the assistance of the

other staff members were sought. On the bases of these submissions, this Commission had issued notices to such persons as deemed PIOs. The deemed PIOs contended that no such assistance was sought from them and in some of the cases the said persons were not in the office.

After considering the above replies this commission had posted the matter for orders. The present proceedings are thus pending for disposal and hence the file was taken up for issuing notices to the parties for further hearing.

- 4 On going through the records, it is found that the notices were issued to the persons deemed as PIO. The PIO has not filed any documentary evidence to show that the assistance was at all sought from the said persons who are deemed as PIO by the commission. The deemed PIO, to whom the notice is issued states that he has furnished the entire information as was available with him.
- 5 The Hon'ble High Court of Bombay, Goa bench at Panaji, while dealing with a case of penalty (***Writ petition No. 205/2007, Shri A. A. Parulekar, V/s Goa State Information Commission and others***) has observed:  
***"11. The order of penalty for failure is akin to action under criminal Law. It is necessary to ensure that the failure to supply the information is either intentional or deliberate."***
- 6 Considering the above ratio as laid down by the Hon'ble High Court, I find that there is no conclusive and cogent evidence to hold that the said persons were in fact deemed PIOs for the purpose of imposing penalty.
- 7 Considering the above I find that, as the proceedings are required to be dropped based on the records, it would be redundant to issue notices to the parties.

8 In the above circumstances the notice, dated 19<sup>th</sup> November 2010 issued by this commission stands withdrawn. Proceedings closed.

**Sd/-**

**(Shri Prashant S.P. Tendolkar)**

State Chief Information Commissioner,  
Goa State Information Commission,  
Panaji, Goa