

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

---

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

**Appeal No.03/2018/CIC**

Shri Jawaharlal T. Shetye,  
H No.35/A Ward No.11,  
Khorlim, Mapusa –Goa. .... Appellant

V/s

- 1) The Public Information Officer,  
The Secretary Village Panchayat Calangute,  
Calangute, Bardez –Goa.
- 2) The First Appellate Authority,  
The Block Development Officer –I,  
Mapusa, Bardez-Goa. .... Respondents.

Filed on :08/01/2018

Disposed on:01/06/2018

**1) FACTS IN BRIEF:**

**a)** The appellant herein by his application, dated 14/10/2017, filed u/s 6(1) of The Right to Information Act 2005 (Act for short) sought information from the Respondent No.1 in the form of inspection of the file pertaining to construction undertaken in SY. No. 443/24 at Naik Vado, Calangute, Bardez, by M/S Kothari Developers.

**b)** According to appellant, 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).

**c)** The FAA by order, dated 18/12/2018, allowed the said appeal and directed PIO to allow the inspection of the

...2/-

concerned file within three weeks from the date of receipt of the said order by PIO.

**d)** In spite of the said order the appellant was not offered the inspection and hence the appellant has landed before this commission in this second appeal u/s 19(3) of the act.

**e)** Notices were issued to the parties, pursuant to which appellant appeared. The PIO neither appeared nor filed any say in the appeal in spite of notice. The appellant was therefore granted opportunity to argue his case but he failed to appear and hence the matter is dealt with, based on the records.

## **2. FINDINGS:**

**a.** I have perused the records and considered the pleadings of the appellant. According to him the inspection as was sought by him was not given. The FAA after considering the records and the facts of the matter has also directed the PIO to grant inspection of records.

It is seen from the order of the FAA that even at the time of hearing before the FAA the PIO has failed to remain present and/or give any justification for not responding the application. The PIO has also not complied with the order of FAA.

**b.** In spite of notice PIO has failed to appear before this commission and to put forth any ground to deny inspection. Considering the request of the appellant, I find that the information sought does not come under any exceptions as laid down under section (8) and/or (9) of the act. I therefore hold that the appellant is entitled to have the inspection of the file as sought.

...3/-

**c.** Considering the facts of the case, it is seen that the conduct of the PIO is indifferent to the requirements of the act. I am of the opinion that such attitude has resulted in non furnishing the information to the appellant in time without any reasonable cause. Hence the PIO is liable for penalty as provided u/s 20(1) and/or 20(2) of the act. However before imposing such penalty PIO required to be granted an opportunity to explain the same.

**d.** In the above circumstances, I proceed to dispose the present appeal with the following

**ORDER**

The appeal is allowed. The PIO is hereby ordered to provide the appellant, within TEN DAYS from the date of receipt of this order, the inspection of the file as sought by him vide his application, dated 14/10/2018, free of cost.

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 him for failure to provide information within time.

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