

**GOA STATE INFORMATION COMMISSION**

Kamat Tower, Seventh Floor, Patto Panaji-Goa

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Appeal No. 181/2018/SIC-

Shri Pandurang Shankar Kalgutkar  
H. No. 625, Siolkarwada,  
Mulgao, Bicholim-Goa

.....Appellant.

**V/s.**

- 1) The Public Information Officer,  
Village Panchayat Secretary,  
Village Panchayat Mulgao,  
Mulgao, Bicholim Goa.
- 2) Block development Officer,  
Directorate of Panchayat,  
Govt. of Goa.  
First Appellant Authority, (Under RTI Act),  
Bicholim Goa.

.....Respondents.

**CORAM:**

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

**Filed on: 2/07/2018**

**Decided on: 27/03/2019**

**ORDER**

1. The brief facts leading to present appeal are that the appellant Shri Pandurang Kalgutkar herein by his application dated 13/4/2018 filed under section 6(1) of Right to Information Act, 2005 sought certain information as listed at serial No. 1 to 5 therein from the Respondent No. 1, Public Information Officer (PIO), office of Village Panchayat of Mulagao, Bicholim Goa.
2. It is the contention of the appellant that he received reply on 7/5/2018 wherein it was informed to him that information sought by him is not available in the records of Village Panchayat Mulgao.
3. It is the contention of the appellant that he being not satisfied with the above reply of the Respondent PIO and deeming such as

rejection , he filed first appeal before the Respondent NO. 2 Block Development officer, Bicholim Goa on 28/5/2018 being first appellate authority interms of section 19(1) of RTI Act, 2005 and the Respondent no. 2 first appellate authority vide order dated 13/6/2018 allowed his appeal and directed the Respondent PIO to search the office records again and to furnish the requisite information to the appellant if available in the office records within 7 days from the date of receipt of the order to the appellant.

4. It is the contention of the appellant that in compliance to the order of first appellate authority, vide letter dated 18/6/2018 provided him information pertaining to point no. 1 and rest information was reported as not available in the records of Village Panchayat Mulgao.
5. It is the contention of the appellant that inspite of the said order, the said information was not correctly furnished to him as such being aggrieved by the action of Respondent no. 1 PIO he had no other alternative then to approached this commission in his 2<sup>nd</sup> appeal as contemplated u/s 19(3) of RTI Act.
6. In this background the appellant has approach this commission on 2/7/2018 with a prayer to call for the records of first appellate appeal No. 14/Mulgao/2018-19/1283 as well as file of PIOs proceedings in respect of impugned order passed on 13/6/2018 and also seeking penalty as against PIO.
7. Notices were issued to both the parties. Appellant appeared in person along with Advocate Shankar S. Shet. Respondent No.1 PIO Sanjay Parab was present . Respondent no. 2 first appellate authority represented by Shri Yogesh R. N. Desai.
8. Advocate for the appellate submitted that the appellant along with nine others had filed complaint against illegal construction in the plot of the property survey No.162/2/A of Mulgao Village to the

sarpanch of Village Panchayat Mulgao and the information tactfully is not given in order to protect illegalities committed by the Panchayat and not furnishing the information violets the provisions of mandate of RTI Act . He further submitted that he had sought the information in the larger public interest in order to expose illegalities committed by the Panchayat and He further submits that information is still required by him in order to approach the competent forum with their grievances and he prayed for direction for furnishing him information.

9. The respondent PIO submitted that after the order of First appellate authority based on form I & XIV, the information at point no. 1 as sought was provided to the appellant . He further submitted that names of the father of the person who were carried out illegal construction were not reflected in form I and XIV as such at point no. 2 it was replied as not available. He further submitted that on verification of the records of the Panchayat he did not find any application made to the Village Panchayat seeking permission to carry out construction by any person in survey No. 161/2 in the Village Panchayat records so also since no license was issued for any construction in Survey No. 161/2 as such the information at point No. 3,4and 5 was also replied as not available.
10. The Respondent PIO volunteered to provide him the fresh information/ clarification with respect to information earlier provided and accordingly same was provided to the appellant on 27/03/2019.
11. On verification the said information the appellant submitted that he is satisfied with the clarification/information provided to him before this Commission and he is not pressing for penal provisions as he does not have any further grievance against PIO. Accordingly he endorses says on the memo of appeal.
12. Since now the Respondent NO. 1 PIO vide reply dated 27/03/2019 have offered clarification with respect to information furnished to

the appellant earlier , I find no intervention of this commission is required for the purpose of furnishing information.

13. The facts of the present case doesn't warrant the levy of penalty on the PIO as the records shows that the same was responded within stipulated time of 30 days. The bonafied have been shown by the Respondent PIO after the order of first appellate authority in furnishing information . PIO even went out of way and furnished the information at point no. 1 based on the form 1 & XIV of survey No. 161/2 of Village Mulgao. There was no denial from the side of PIO . No cogent and convincing evidence was produced by the appellant attributing the malafides on the part of PIO. Hence I am not inclined to grant relief sought by the appellant in the nature of penal provisions. The appellant also did not press for the invoking penal provisions.
14. In view of the submissions and the endorsements made by the appellant on the memo of appeal, I find no reason to proceed with the matter. Hence, the appeal proceedings stands closed.

Notify the parties.

Pronounced in the open court.

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.

Sd/-

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