

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

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**Appeal No. 208/2019/SIC-I**

Shri Shrikant V. Gaonker  
FA-501/FA-505, Sinari Apartments,  
Near Datta Mandir, Ribandar Patto,  
Ribandar Goa.

....Appellant

V/s

1. Mr. Sudheer S. Kerkar,
2. Mr. Kuldeep U. Arolkar,  
Public Information Officer, (PIO)  
Office of the Commissioner,  
Corporation of City of Panajim,  
Panajim Goa.
3. Shri Shashank Mani Tripathi,  
First Appellate Authority,  
Office of the Commissioner,  
Corporation of City of Panajim,  
Panajim Goa.

.....Respondents

**CORAM: Ms. Pratima K. Vernekar**, State Information Commissioner  
Filed on: 27/06/2019  
Decided on:31/10/2019

**ORDER**

1. The appellant, Shri Shrikant Gaonkar has filed present second appeal against Respondent No. 1 Public Information Officers namely Sudheer S. Kerkar and Shri Kuldeep U. Arolkar of Corporation of the city of Panajim at Panajim-Goa and against Respondent No. 2 the First Appellate Authority (FAA), praying that the information as requested by him in his application dated 27/2/2019 be furnished to him correctly and for other reliefs too.
2. The brief facts leading to present appeal as stated in memo of appeal are that:-
  - a)The appellant vide his application dated 27/2/2019 had sought for certain information on 20 points mostly pertaining to (i) office memorandum No. 85/1/97/SSW-

PWD/83 dated 5/5/2009,(ii) House Tax,(iii) Occupancy Certificates, etc. as listed therein. The said information was sought from the Public Information Officer (PIO) of the Office of Commissioner, City Corporation of Panajim, Panajim-Goa by the appellant in exercise of appellant's right u/s 6(1) of Right to Information Act, 2005.

- b) It is the contention of the appellant that his above application was responded on 26/3/2019 by Respondent no.2 PIO Shri Kuldeep Arolkar in terms of sub-section(1) of section (7) of RTI Act, 2005, there by providing point wise information .
- c) It is contention of the appellant that incomplete, misleading and wrong information at point no. 1,3 to 10 and 14 to 18 was provided to him vide said reply and as such he being aggrieved by such an above reply of Respondent no.2 filed first appeal on 3/4/2019 in terms of sub section(1) of section (19) of RTI Act before the Respondent No.3 office of commissioner, being First appellate authority which was registered as appeal No. RTI /Appeal/1/2019/1817.
- d) It is contention of the appellant that respondent No. 1 PIO Shri Sudheer Kerkar in the course of the hearing before the First appellate authority on 28/5/2019 provided him information at point No. 4,6,and 17 and also revised reply was filed on 6/6/2019 there by enclosing letter bearing No. 2918 dated 6/6/2019, providing him information on 19 points.
- e) It is the contention of the appellant that the respondent no. 3 FAA did not give him proper opportunity to know the contents of revised reply received by him on 6.6.2019 and aburdedly handed the proceedings. He further contended that till date he has not received any order

passed by the Respondent No. 3 First appellate authority to this first appeal filed by him in terms of section 19 (1) of RTI Act.

f) It is the contention of the appellant that he being aggrieved by such an action of above all three Respondents, has been forced to approach this Commission on 27/6/2019 in the second appeal as contemplated under sub-section (3) of section (19) of RTI Act, 2005.

3. In this background the present appeal has been filed on the grounds raised in the memo of appeal with the contention that complete information is still not provided and seeking order from this Commission for providing him the accurate and correct information as sought by him, for compensation of Rs. 10,000/-, and for invoking penal provision against Respondents .
4. The matter was taken up on board and listed for hearing. In pursuant to notice of this commission appellant was present in person. Respondent No.1 PIO Shri Sudheer Kerkar appeared on two occasions . Respondent no. 2 Shri Kuldeep Arolkar was represented by Shri Kashinath Shetye on one occasion and then Respondent no. 1 and 2 opted to remain absent. Respondent No. 3 First appellate authority was represented by Shri Dinesh Maralkar. Present PIO Mrs. Roshal Fernandes also was present for the proceedings.
5. Reply was filed by Respondent no. 2 PIO Shri Kuldeep Arolkar on 26/8/2019 and by respondent No. 3 on 10/10/2019 . Copy of the same was furnished to the appellant.
6. Counter reply was also filed by appellant on 12/9/2019 to the reply of respondent No. 2 disputing the averments made by the Respondent no.2.
7. During the hearing on 1/10/2019 the appellant showed his displeasure on the information furnished to him by Respondents

and further submitted that he is not satisfied with the reply given to him more particularly at point no. 9,14,15 and 18. The present PIO undertook to verify the records once again and to provide him information to the above points. She also volunteers to give inspection of the records which was agreed and carried by the appellant.

8. Accordingly the information at point no. 9,14,15 and 18 as sought by the appellant vide his application dated 27/2/2019 was furnished to the appellant on 24/10/2019 before this commission which was acknowledged by him.
9. On verification of the said information, the appellant submitted that he has no further grievance with respect to the information furnished on the above points. He further contended that he has sought the said information in a larger public interest. According to him there was sudden increase in house tax rates from Rs. 48.60 to Rs. 97.20 per square meters and the proper procedure was not followed by the public authority concerned herein and as such the said was required by him on urgent basis in order to produce the same before competent Court. He further submitted that that he had no personal interest or gain in the entire issue and he is taking up the issue in the larger public interest.
10. He further submitted that both the PIOs i.e Respondent no.1 and 2 had given him different version of reply to same questions and there is no consistency in the information provided by Respondent no. 1 and 2. He further contended that the information provided to him at point no. 1, 3 to 10 and points 14 to 18 vide reply dated 26/3/2019 was either misleading or wrong, incomplete, inappropriate, incorrect. He further submitted that Respondent No. 3 adopted a very casual approach in dealing with a RTI appeals received by his office and ended the hearing without passing speaking order . He further submitted that the FAA also failed to provide him the copy of the order and the said was

passed behind his back and his signature is not reflected in the Roznama produced by the respondent no. 3. He further submitted that lots of hard ship has been caused to him in pursuing the RTI application and on that ground he vehemently pressed for invoking penal provisions.

11. I have scrutinised the records available in file and considered submission of the parties.
12. Since the information is now furnished to the appellant as per his requirement by the present PIO, Miss Roshel Fernandes, I find no further intervention of this commission is required for the purpose of furnishing the information and that prayer (1) becomes infructuas.
13. On perusals of the reply/information furnished, by Respondent no.1 and 2, it is seen that second part of the information at point No. 1,14 was not replied by both the then PIOs . So also there is also no conformity to the answers given at point no. 6 and the same are replied contrary to each other. The Respondent no. 2 vide reply dated 26/3/2019 has sought for 20 days time to furnish the information being the said information pertaining to 8 years where as the Respondent No. 1 vide reply dated 6/4/2019 had informed that the section has not maintained any inventory of the occupancy certificate , hence I am in agreement with the contention of the appellant that incomplete, misleading information was provided to him.
14. The PIO must introspect, the non furnishing of the correct and complete information lands the citizen before the first appellate authority and also before this commission resulting into unnecessary harassment of the Common man which is socially abhorring and legally impermissible.
15. Since there is nothing on records, that such lapses on the part of Respondent no.1 and 2 are persistence, by considering this as

an first lapse, a lenient view is taken in the present proceedings and the above Respondents are hereby directed to be vigilant henceforth while dealing with the RTI Matters and any lapses found in future shall be viewed seriously.

With the above directions 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