

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

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**Appeal No. 94/2020/SIC-I**

Shri Kashinath P. Tari,  
R/o. B-2, S-1, Ramnath Apartments,  
Shankarwadi,  
Taleigao-Goa,  
403002.

....Appellant

**V/s**

1) The Public Information Officer (PIO),  
Office of Mamlatdar, Tiswadi Taluka,  
Panaji-Goa.

.....Respondent

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

Filed on: 20/04/2020  
Decided on: 21/07/2020

**ORDER**

1. The Appellant, Shri Kashinath P. Tari has filed the present appeal on 19/03/2020 praying that the Information as requested by the Appellant in his application dated 14/10/2019 be furnished to him correctly and for invoking penal provisions and compensation.
2. The brief facts leading to the second appeal are as under:
  - a. That the Appellant, vide his application, dated 14/10/2019 addressed to the Respondent Public Information officer (PIO) of the office of Mamlatdar of Tiswadi Taluka Panaji-Goa, requested to furnish information on 8 points as stated therein in the said application. The Said information was sought in exercise of his right u/s 6(1) of RTI Act, 2005.
  - b. Vide said application the Appellant has sought the following information;
    - i) Certified copies of entire record and proceedings of case no MND/JM-I/TAL/Reg/60/96 along with final

- judgment and order (Dwarke Uskaikar V/s Joseph Baptista).
- ii) Certified copies of entire record and proceedings of case no MND/JM-I/PUR/TAL/13/95 along with final judgment and order (Noor Mohammad Agha V/s Joseph Baptista).
  - iii) Certified copies of entire record and proceedings of case no MND/JM-I/PUR/2/94 along with final judgment and order (Shri Arjun Naik V/s Joseph Baptista).
  - iv) Certified copies of entire record and proceedings of case no MND/JM-I/PUR/9/95. Along with final judgment and order (Francis Cruz V/s Joseph Baptista).
  - v) Certified copies of entire record and proceedings of case no MND/JM-I/PUR/TAL/43/97 along with final judgment and order (Maria Rodrigues V/s Joaquim Baptista).
  - vi) Certified copies of entire record and proceedings of case no MND/JM-I/PUR/TAL/39/96 along with final judgment and order (Aurora Silveira V/s Joaquim Baptista).
  - vii) Certified copies of entire record and proceedings of case no MND/JM-I/TAL/TAL/Reg/64/96 along with final judgment and order (Ana Silveira V/s Richard Baptista).
  - viii) Certified copies of entire record and proceedings of case no MND/JT.MM/TAL/512/82 along with final judgment and order (Simao Coelho V/s Joaquim Baptista).
- c) It is the contention of the Appellant that his above application filed in terms of sub section(1)of section 6 was not responded by the Respondent Public Information Officer (PIO)within

stipulated time of 30 days neither the information was provided to him till this date and as such deeming the same as rejection, the Appellant filed First Appeal before the Deputy Collector, Panaji, Goa on 06/12/2019 being First Appellate Authority in terms of section 19(1) RTI Act 2005. The said first appeal was register as case No.RTI/APPL/18/2019.

d)It is the contention of the Appellant that notices of the said Appeal was given to both the parties and then after hearing both the parties the First Appellate Authority disposed the said appeal by order dated 09/01/2020. By this order the first appellate authority allowed the said appeal and directed the Respondent PIO to furnish the desired information by 14/01/2020.

e)It is the contention of the Appellant that the Respondent PIO did not comply the order of First Appellate Authority and also did not furnished him the information within stipulated time as directed by the First Appellate Authority, as such he being aggrieved by the action of PIO, is forced to approach this Commission by way of second appeal as contemplated u/s 19(3) of RTI Act.

3. In the above background the Appellant has approached this commission in this Second Appeal u/s 19(3) of the Act with the contention that the information is still not provided and seeking order from this Commission to direct the PIO to take steps as may be necessary to secure compliance of the order passed by the First Appellate Authority to furnish the information as also for invoking penal provisions as against Respondent PIO so also sought compensation for the detriment suffered by him at the hands of Respondents.
4. Matter was taken up on board and was listed for hearing and accordingly notices were issued to the parties, in pursuant to

which Appellant was present. Respondent PIO Shri Rahul Desai was present.

5. Reply filed by the Respondent PIO 21/7/2020 thereby furnishing information. The copy of the same was furnished to the Appellant. The Appellant after verifying the information acknowledged the same on the memo of Appeal and also did not pressed for penalty.
6. Since the information has now been provided to the Appellant as per his requirement, I am of the opinion that no intervention of this commission is required for the purpose of furnishing the information and hence the prayer (a) becomes infructuous.
7. It is the contention of the Appellant that the Respondent have deliberately denied and acted irresponsibly and have failed to attained the request the malafides blocking the information sought for. It is his further contention that PIO did not adhere to the directions given by the First Appellate Authority vide order dated 09/01/2020. It is his further contention that the above documents were required to identify the total area occupied by the Munkars in respect of survey no 103/1 of Village Taleigao.
8. It is his contention of the Appellant that he is senior citizen and great hardship has been caused to him and lots of his valuable time have been wasted in pursuing the said application /information which was sought by him.
9. On a contrary it is the contention of the Respondent PIO that he has taken over the charge of the Office of Mamlatdar of Tiswadi Taluka and PIO in the month of June. It was further contended that he learned that the said information which was kept ready in the month of March and due to inadvertence and exigencies of Covid-19 it remained to be furnished to the Appellant

10. I have scrutinized the records available in the file and consider the submissions made by both the parties.
11. On perusal of the application of the Appellant, it is seen that the Appellant has sought the information from the public domain. On going through the Roznama of the First Appellate Authority in First Appeal No. RTI/APPL/18/2019, it is seen that the more particularly in Roznama dated 09/01/2020, the representative of Respondent PIO was present and filed reply to the Appeal proceedings on 09/01/2020 requesting to grant some time to provide the information to the Appellant and then the order was passed by the FAA. There is nothing on record of First Appellate Authority to show that Respondent PIO has resorted to the section 8 of RTI Act neither it was his case the said information is not available with the public Authority. On the contrary the record of the FAA reveals that the Respondent PIO had volunteered and sought 2 days time to furnish the information. The First Appellate Authority has also come into findings that said information is available with the public authority concerned herein and hence directed the Respondent PIO to furnish the entire information by 14/01/2020. The Respondent no. 1 PIO is silent on the compliance of the order of the First Appellate Authority. It appears that the order dated 09/01/2020 of the First Appellate Authority was not complied by Respondent PIO.
12. The RTI Act envisages dispensation of information to show transference in functioning of the public authority and as such it has been held by the Hon'ble Apex Court and various High Court that dispensation of information is a rule and with holding as exception.
13. From the inward number on the application, it would gathered the said application dated was filed and was received by the office of Respondent PIO on 14/10/2019 itself. Under section 7(1) of the Act the PIO is required to respond the same within 30 days from

the said date. The Respondent PIO has not placed on record any documentary evidence of having adhere to section 7(1) of RTI Act ,2005 neither placed any documentary evidence on record of having complied the order of First Appellate Authority. Thus from the records and undisputed facts, it can be clearly inferred that the PIO has no concern for his obligation under the RTI Act and has no respect to obey the order passed by the senior officer. The act of the PIO in denying the information even after the order of First Appellate Authority amounts to breach of mandate of RTI Act, 2005.

14. The information was sought on 14/10/2019 and said is furnished on 21/07/2020 during the present second appeal proceedings. There is a delay in furnishing the information.
15. The Respondent then PIO has not acted in conformity with the provisions of RTI Act. It is quite obvious that Appellant has suffered lots of harassment and mental agony in seeking the information and pursuing the matter before different authorities. Such a conduct by the Respondent is obstructing transparency and accountability appears to be suspicious and adamant vis-a-vis the intent of the Act. Hence the Act on the part of the Respondent then PIO herein is condemnable. Since there is no cogent and convincing evidence on record produced by the Appellant, that such lapses on the part of Respondent PIO are persistence, and done with malafide intentions and in view of the endorsement made by the Appellant for not pressing for penal provisions, a lenient view is taken against the then PIO in the present proceedings. The Respondent PIO is hereby admonished and directed to be vigilant henceforth while dealing with the RTI matters and to strictly comply with the provisions of the Act. Any lapses on their part in future will be viewed seriously.

With the above directions, 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