

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

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**CORAM: Shri Juino De Souza : State Information Commissioner**

**Complaint No. 52/2019/SIC-II**

Shri. Nitin Y. Patekar,  
Oshal Bag Dhargal,  
P.O. Colvale – Goa.

**....Complainant**

**v/s**

1.Public Information Officer,  
O/o Block Development Officer,  
Pernem Goa.

2.First Appellate Authority,  
O/o Directorate of Panchayat,  
Junta House, Panaji-Goa.

**.....Opponent**

**Relevant emerging dates:**

Date of Hearing : 27-01-2020

Date of Decision : 27-01-2020

**O R D E R**

1. **Brief facts** of the case are that the Complainant vide an RTI application dated 02/11/2017 sought certain information u/s 6(1) of the RTI Act, 2005 from the PIO, Block Development Office, Pernem - Goa.
2. The information pertains to 1) to furnish the attendance record or certificate of Village Panchayat Dhargal, Secretary in the period of 01/08/2017 to till date. 2) To furnish the M.B record as given below construction in year 2017 (i)The construction of protection wall near Vilas Naik house to Pravin Naik house in ward no.1 in Village Panchayat Dhargal. (ii) The construction of protection wall near Dilip Dhargalkar house in ward no.1 in Village Panchayat Dhargal. 3) The construction of the protection wall near Pundalik Dhargalkar house n Village Panchayat Dhargal in ward No.1. and 4) The construction of the protection wall near Narayan Garage to Deepak Naik house.
3. It is seen that the PIO has vide letter No ADM/BDO-PER/RTI/Dhargal/2017/2292 dated 30/11/2017 furnished the information.

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4. The Complainant not being satisfied with the information furnished at point no 2)(ii) wherein the PIO has stated that the measurement is not yet recorded in the measurement book, thereafter filed a First Appeal on 09/08/2018 and it is seen that the First Appellate Authority (FAA) has passed an order dated 11/09/2018 directing the PIO to furnish the information free of cost within seven days.
5. Being aggrieved that the pursuant to the order of the FAA, the PIO has furnished incorrect information, the Complainant has approached the Commission by way of a Complaint case registered on 21/10/2019 and has prayed for penalty and for other reliefs.
6. **HEARING:** During the hearing the Complainant Shri Nitin Patekar is present in person. The Respondent PIO, B.D.O Pernem is represented by Shri Mahesh Gaude, LDC with the public authority.
7. **SUBMISSION:** The Complainant submits that the information furnished by the PIO pursuant to the order of the FAA is incorrect, incomplete and misleading. The PIO in point No. 2(II) has stated that the measurement is not yet recorded in measurement book (M.B.) but when he filed another RTI application seeking information on the subject matter, he has received information about the measurement that were recorded in the measurement book.
8. When the Complainant was asked to produce a copy of the second RTI application and the information about measurement that he has received from the PIO, the Complainant submits that he has not brought the same along with him at today's hearing. The Complainant also submits that he is not interested in receiving information at this stage and prays for penalty.
9. The representative for the PIO submits that the PIO at that point of time was Shri Amir Y Parab, BDO-Pernem. It is also submitted that after an Order was passed by the First Appellate Authority the Complainant was issued a letter dated 28/09/2018 calling the Complainant.....

..... to collect the information and that the Complainant has already received the information and that whatever the information was available has been furnished to him.

10. **FINDINGS**: The Commission finds that the representative for the PIO is unable to explain as to why there was an anomaly in furnishing information regarding the measurement that were recorded in the measurement book when according to the Complainant he has received the information through another RTI application filed by his and information of measurement recorded in the book were furnished.
11. **DECISION**: The Commission comes to a conclusion that this is a fit case for commencing penalty proceedings u/s 20(1) of the RTI act 2005. However natural justice demands that before a penalty is imposed, the said PIO should be given a chance to file his say and tender his explanation as to why penalty should not be imposed on him for failing in the duty cast upon him as per the RTI Act.

#### **Issue Notice to Respondent PIO**

Issue Notice u/s 20(1) of the RTI act 2005 to the concerned Respondent PIO, Shri Amir Y. Parab who was then posted as B.D.O. Pernem and is responsible for furnishing false information to show cause why penal action should not be taken against him for furnishing false and incorrect information. The said PIO shall remain personally present before the commission in person with his explanation, if any, on **13th February, 2020 at 11.30 am.**

**With these directions the Complaint cases stands disposed.**

Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

Sd/-  
**(Juino De Souza)**  
**State Information Commissioner**