

# GOA STATE INFORMATION COMMISSION

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**Shri.. Sanjay N. Dhavalikar**, State Information Commissioner

## Appeal No. 60/2020

Shri.. Royson E. Da Costa,  
H. No. 143, Costa Vaddo,  
Majorda – Goa.

..... Appellant

v/s

1)The Secretary/PIO,  
Village Panchayat of Majorda-Utorda-Calata,  
Majorda Goa.

2)The First Appellate Authority,  
Office of the BDO-Mormugao,  
Vasco da Gama Goa.

.... Respondents

Filed on : 11/02/2020

Decided on : 26/10/2021

### **Relevant dates emerging from appeal:**

RTI application filed on	: 26/08/2019
PIO replied on	: 17/09/2019
First appeal filed on	: 07/10/2019
FAA order passed on	: 05/11/2019
Second appeal received on	: 11/02/2020

## **ORDER**

1. The brief facts leading to this appeal, as contended by the Appellant Mr. Royson E. Da Costa are that the Appellant vide application dated 26/08/2019 under section 6(1) of the Right to Information Act, 2005 (for short, the Act), had sought from Respondent No. 1, Public Information Officer (PIO), Village Panchayat of Majorda-Utorda-Calata, Majorda Goa, information on nine points pertaining to various issues in the jurisdiction of the said Village Panchayat.
2. It is the contention of the Appellant that the PIO replied vide letter dated 17/09/2019 asking the Appellant to pay Rs. 7568 and collect the information. The PIO did not give details of the amount. The Appellant visited PIO's office on 21/09/2019, however no information

was ready and PIO did not provide details of the amount. Being aggrieved, the Appellant filed appeal before the Respondent No. 2, First Appellate Authority (FAA), Block Development Officer, Mormugao Goa. The FAA passed an order dated 05/11/2019 directing the PIO to issue letter as required under section 7(3)(a) of the Act and provide point wise information to the Appellant within 10 days.

3. It is the contention of the Appellant that the PIO wrote a letter dated 05/11/2019 stating that the cost of the information is Rs. 2084 and not Rs. 7568 as stated earlier. The PIO asked Appellant to collect the information after paying Rs. 2084. However the Appellant contends that PIO's intimation reached him much beyond the time, in default of the order passed by FAA. Therefore the Appellant did not collect the information and preferred second appeal before this Commission.
4. The second appeal was registered on 11/02/2020 before the Commission. The Appellant prayed for complete information, free of cost, penalty under section 20(1) and 20(2) against the PIO, enquiry into the matter as to why PIO did not furnish the information. The concerned parties were notified and the matter was taken up for hearing. Shri. Custodio Faria, PIO appeared in person and the FAA was represented by Shri. Pradeep Tamhankar, under authority letter. Subsequently PIO filed reply dated 23/09/2021.
5. The PIO stated in his reply that the then PIO Shri. Sanmesh Sawant had requested the Appellant to pay Rs. 2084 and collect the information and also informed that the amount of Rs. 7568 was erroneously mentioned. The PIO also stated that the said letter was written as per the direction of FAA, within the stipulated time. However Appellant did not make payment and instead filed second appeal. The PIO stated during the argument on 05/10/2021 that the information will be furnished to the Appellant within two days from the date of his payment.

6. It is seen that the Appellant has continuously remained absent before the Commission. Ample opportunities were given to the Appellant to appear and fresh notice dated 19/08/2021 was also issued to all parties including the Appellant. However the Appellant did not appear, nor filed any submission. Nevertheless, the Commission has considered his case on merit, based on the appeal memo as Goa State Information Commission (Appeal Procedure) Rules, 2006, Rule 7(2) allows Appellant to opt not to be present. The Information sought by the Appellant is not exempted under section 8 nor rejected under section 9. Therefore it is fundamental right of the Appellant to get the information sought vide application dated 26/08/2019.
7. In view of the above discussion, the appeal is disposed with the following order :-
- (a) The PIO is directed to furnish information sought by the Appellant vide application dated 26/08/2019, within 10 days from the date of receipt of this order, free of cost.
  - (b) All other prayers are rejected.

Proceeding closed.

Pronounced in the open court.

Notify the parties.

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/-

**Sanjay N. Dhavalikar**  
State Information Commissioner  
Goa State Information Commission  
Panaji - Goa