

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

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**Appeal No.121/2021/SCIC**

Franky Monterio,  
H.No. 501, Devote,  
Loutolim, Salcete-Goa.

.....Appellant

V/S

1. Public Information Officer,  
Office of the Chief Town Planner,  
2<sup>nd</sup> Floor, Dempo Towers,  
Patto, Panaji Goa.

2. The First Appellate Authority,  
Office of the Chief Town Planner,  
2<sup>nd</sup> Floor, Dempo Towers,  
Patto, Panaji Goa.

.....Respondents

**Shri. Vishwas R. Satarkar**

State Chief Information Commissioner

**Filed on: 11/06/2021**

**Decided on: 26/11/2021**

**FACTS IN BRIEF**

1. The Appellant, Franky Monterio, H.No. 501, Devote, Loutolim, Salcete-Goa, by his application dated 06/04/2021 filed under section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought information from the Public Information officer (PIO), office of the Town and Country Planning Department (Planning), II<sup>nd</sup> Floor, Dempo Tower at Panaji-Goa.
2. The said application was not responded by the PIO within stipulated time and as such deeming the same as refusal, Appellant filed first appeal before the Chief Town Planner (Planning), II<sup>nd</sup> Floor, Dempo Tower, Patto, Panaji-Goa being the First Appellate Authority (FAA).

3. Since the FAA also did not decide his first appeal, the Appellant preferred this second appeal under sec 19(3) of the Act, before the Commission, with the prayer to direct the PIO to provide complete information free of cost, to impose penalty on the PIO, to recommend appropriate disciplinary action and also to compensate the Appellant.
4. Parties were notified, pursuant to which the then PIO, Mrs. Sampurna Bhagat appeared and sought time to file reply.

On 20/09/2021 newly appointed PIO, Mr. Vinodkumar Chandra appeared and submitted that he is ready and willing to furnish the information to Appellant, accordingly Commission directed the PIO to produce all the documents on next date of hearing.

5. On the next date of hearing dated 19/10/2021, Mr. Vinodkumar Chandra, PIO appeared and furnished the documents to the Appellant and he also offered inspection of file on that day itself. Consequently the Appellant also carried out the inspection of the file and indicated the required documents.
6. During the next hearing, PIO, Vinodkumar Chandra appeared and furnished the set of documents and the Appellant endorsed that he received the documents alongwith annexures.
7. The Appellant argued that he has received the information however, the PIO and FAA should be penalised for their careless and negligent attitude.
8. The PIO submitted that, he has been recently appointed as Town Planner of South Goa District from 17/06/2021 with additional charge of TCP, Head Quarters and that he has also off late designated as PIO and the moment he received the RTI application, he has forwarded immediately to the deemed PIO.

According to him, the deemed PIO who was assigned to furnish information was out of office as he was on COVID duty and he further did not report to the office as his family was COVID positive.

He further submitted that, the delay in furnishing the information is not intentional. He also provided the inspection of the file and indicated by Appellant all the required documents were furnished to him.

9. Due to the onset of Covid-19 Pandemic, the **Hon'ble Supreme Court by Suo Motu Writ Petition (Civil No. 3 of 2020)** took the cognizance of the situation arising from difficulties that might be faced by the litigation across the Country, by order dated 08/03/2021 and another extension of limitation order dated 23/09/2021 has held that:-

*"1. Due to the outbreak of COVID-19 pandemic in March, 2020, this Court took Suo Motu cognizance of the difficulties that might be faced by the litigants in filing petitions/ applications/ suits/ appeals/ all other proceedings within the period of limitation prescribed under the general law of limitation or under any special laws (both Central and/or State). On 23.03.2020, this Court directed extension of the period of limitation in all proceedings before the Courts/Tribunals including this Court w.e.f. 15.03.2020 till further orders.*

*3. Thereafter, there was a second surge in COVID-19 cases which had a devastating and debilitating effect. The Supreme Court Advocates on Record Association (SCAORA) intervened in the Suo Motu proceedings by filing Miscellaneous Application No.665 of 2021 seeking restoration of the order dated 23.03.2020. Acceding to*

*the request made by SCAORA, this Court passed the following order on 27.04.2021: 2 "We also take judicial notice of the fact that the steep rise in COVID-19 Virus cases is not limited to Delhi alone but it has engulfed the entire nation. The extraordinary situation caused by the sudden and second outburst of COVID-19 Virus, thus, requires extraordinary measures to minimize the hardship of litigant-public in all the states. We, therefore, restore the order dated 23rd March, 2020 and in continuation of the order dated 8th March, 2021 direct that the period(s) of limitation, as prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings, whether condonable or not, shall stand extended till further orders. It is further clarified that the period from 14th March, 2021 till further orders shall also stand excluded in computing the periods prescribed under Sections 23 (4) and 29A of the Arbitration and Conciliation Act, 1996, Section 12A of the Commercial Courts Act, 2015 and provisos (b) and (c) of Section 138 of the Negotiable Instruments Act, 1881 and any other laws, which prescribe period(s) of limitation for instituting proceedings, outer limits (within which the court or tribunal can condone delay) and termination of proceedings. We have passed this order in exercise of our powers under Article 142 read with Article 141 of the Constitution of India. Hence it shall be a binding order within the meaning of Article 141 on all Courts/Tribunals and Authorities."*

10. Before parting with this matter, it is observed that approach of the FAA is very casual and trivial. There is nothing on record to

show that, after receiving the first appeal, the FAA has initiated any proceeding of first appeal or disposed the first appeal in accordance with law. Such a lapse on the part of FAA is certainly dereliction of his duties as FAA. The Commission warns the FAA that he shall be diligent henceforth and deal with the first appeal with more caution and with the spirit and intent of the Act.

11. On the backdrop of fact and circumstances, as the information sought is furnished to the Appellant free of cost and considering the ratio of judgement of Hon'ble Supreme Court, I am of the opinion that delay is not deliberate and intentional to invoke the penal provision or to award compensation to the Appellant, therefore I hereby dispose the appeal with the following:-

## **ORDER**

- The appeal is dismissed.
- Proceedings closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

**(Vishwas R. Satarkar)**

State Chief Information Commissioner