

## **GOA STATE INFORMATION COMMISSION**

"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001

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

**Appeal No. 08/2020/SIC-II**

Shri. Nixon L. Furtado,  
H. No. 51, Copelwado,  
Sernabatim, Salcete Goa.  
403708.

.....Appellant

V/s

1.Public Information Officer,  
Office of Chief Secretary,  
Govt. of Goa,  
Porvorim, Bardez, Goa 403521  
2.Public Information Officer,  
O/o. Goa Coastal Zone Management  
Authority, Porvorim, Bardez-Goa  
403501

3.First Appellate Authority,  
O/o. The Joint Secretary (GAD),  
Secretariat, Porvorim-Goa 403501

.....Respondents

Filed on : 31/12/2019

Decided on : 15/12/2021

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

RTI application filed on	: 16/10/2019
PIO replied on	: 12/11/2019
First appeal filed on	: 21/11/2019
First Appellate Authority Order passed on	: 16/12/2019
Second appeal received on	: 31/12/2019

## **ORDER**

1. The brief facts of this appeal are that the Appellant vide application dated 16/10/2019 sought information under section 6(1) of the Right to Information Act, 2005 (for short, the Act) from Respondent No. 1 Public Information Officer (PIO), Office of the Chief Secretary, Government of Goa. The Respondent No. 1 transferred the application vide letter dated 20/10/2019 to Respondent No. 2 Public Information Officer (PIO), Office of the

Goa Coastal Zone Management Authority. Since the information was not furnished within the stipulated period, the Appellant preferred appeal before Respondent No. 3 First Appellate Authority (FAA), Joint Secretary (GAD), Secretariat, Porvorim Goa. The FAA vide order dated 16/12/2019 dismissed the appeal. Being aggrieved by the refusal to furnish certified copies of documents sought vide application dated 16/10/2019, the Appellant filed second appeal before this Commission.

2. The Commission issued notice to the concerned parties and the matter was taken up for hearing. Appellant was represented by his brother Nevil L. Furtado, Respondent No. 1 PIO, Shri. Vinayak Gaude and Respondent No. 3 FAA Shri. Gaurish Kurtikar appeared in person. Shri. Gaude filed reply dated 18/02/2020 and Advocate K. L Bhagat filed reply on behalf of FAA. Shri. Gaude, retired on 28/02/2021 and the present PIO Smt. Sushmita Sadekar filed submission dated 08/09/2021. Appellant too filed a submission on 08/09/2021. Later Advocate Harsha Naik appeared on behalf of Respondent No. 1 PIO and undertook to furnish the information i.e. inquiry report.
3. It is seen from the records that Shri. Vinayak Gaude, the then PIO, office of the Chief Secretary forwarded the application to Respondent No. 2, PIO, office of the Goa Coastal Zone Management Authority as the information was not available in the office of the Chief Secretary. Respondent No. 2 PIO furnished part information and further transferred the application to PIO, Additional Secretary (Home), Government of Goa. Subsequently the first appeal filed by Appellant before the Joint Secretary (GAD) was dismissed for want of jurisdiction.
4. It is noted that the Appellant had sought certified copies of documents with reference to the order passed by this

Commission in Appeal No. 36/SCIC/2012, directing the Chief Secretary to appoint an Officer for conducting an inquiry into loss of records of the office of Goa Coastal Zone Management Authority and the Office of Dy. Collector and SDO, Salcete. Appellant was rightfully asking the information which is ought to be in public domain.

5. As the information was not furnished to the Appellant, during the proceeding the Commission on 25/10/2021 directed the Respondent No. 1 PIO to furnish the information on or before 29/10/2021 before the Commission. Aba G. Petkar, APIO, Office of the Chief Secretary vide letter dated 29/10/2021 furnished the copy of inquiry report of inquiry conducted by the inquiry officer Shri. Amarsen Rane, Secretary, Goa Human Right Commission. Appellant vide letter dated 06/12/2021 endorsed the receipt of certified copy of the report, which he had sought vide application dated 16/10/2019.
6. The information sought, has been furnished to the Appellant and the Appellant has not pressed for penal action against the PIO. It is observed that the delay caused in furnishing the information was due to the fact that the report was not in the custody of PIO and the PIO furnished the same immediately after she was handed over the said report by the inquiry officer. Hence, the Commission is of the opinion that the delay caused in furnishing the information is not intentional and therefore no malafide can be attributed to the action of PIO.
7. Since the information has been furnished to the Appellant, the prayer for information becomes infructuous and no more intervention of this Commission is required in this matter. Hence the appeal is disposed accordingly and proceeding stand 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